



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Cr1.O.P. (MD)No.7176 of 2018

WEB COPY

Mrs.M.Inaesi

... Petitioner

Vs

1.State rep by

The Superintendent of Police,
Kanyakumari District.

2.The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

3.The Sub Inspector of Police,
Eraniel Police Station,
Kanyakumari.

4.Mrs.Baby Thangam,
The Sub Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

5.The Dean,
Administrative Block,
Kanyakumari Government Medical College Hospital,
Aasaripallam,
Kanyakumari District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the respondents 2 to 5 herein to take the video footings recorded in CCTV camera on 25.03.2018 to 27.03.2018 installed in the Aasaripallam Government Medical College Hospital, and the Eraniel Police Station and protect the same as material evidence which is essential for the fair investigation of the case registered in Crime No.138/2018 dated 26.03.2018 on the basis of the petitioner's representation made before the respondents 2, 4 and 5 herein dated 03.04.2018.

For Petitioner : Mr.B.Brijesh Kishore

For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Cr1.Side)



O R D E R

This Criminal Original Petition has been filed to to direct the respondents 2 to 5 herein to take the video footings recorded in CCTV camera on 25.03.2018 to 27.03.2018 installed in the Aasaripallam Government Medical College Hospital, and the Eraniel Police Station and protect the same as material evidence which is essential for the fair investigation of the case registered in Crime No.138/2018 dated 26.03.2018 on the basis of the petitioner's representation made before the respondents 2, 4 and 5 herein dated 03.04.2018.

2.The learned Government Advocate (Crl.Side) appearing for the respondents would submit that recorded CCTV camera footage from 25.03.2018 to 27.03.2018 in the Aasaripallam Government Medical College Hospital, and the Eraniel Police Station is not available. Since the footage can be stored only 30 days, thereafter, it is automatically deleted. Further, he submitted that insofar as Crime No.138 of 2018 is concerned, the respondent police completed the investigation and also filed final report before the concerned Judicial Magistrate and it is pending for taking cognizance. Therefore, the prayer sought for in this petition cannot be considered.

3. Further, he submitted that the petitioner also lodged a complaint for the very same crime as a counter complaint and the same has been registered in Crime No.177/2018 on the file of the second respondent and it is pending for investigation.

4. Considering the above facts and circumstances, the second respondent is directed to verify whether the CCTV footage is available or not ? If it is available, the copy of the CCTV footage shall be furnished to the petitioner so as to enable the second respondent to proceed with the investigation in respect of the Crime No.177/2018, if it is not already completed.

5.With the above direction, this petition is disposed of.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

dss



To

- 1.The Superintendent of Police,
Kanyakumari District.
- 2.The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
- 3.The Sub Inspector of Police,
Eraniel Police Station,
Kanyakumari.
- 4.The Sub Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
- 5.The Dean,
Administrative Block,
Kanyakumari Government Medical College Hospital,
Aasaripallam,
Kanyakumari District.

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TR(18.11.2019) 3P 6C