

HIGH COURT OF CHHATTISGARH, BILASPURCr.M.P.No.18 of 2020

Satyajeet Saluja, S/o Late Pratap Singh Saluja, Aged about 39 years, R/o Balbhadra Ward, PS-Bhatapara (City), Distrit-Balodabazar-Bhatapara (CG)

----- Petitioner

Versus

1. Officer in charge of Police Station-Bhatapara (City), District-Balodabazar-Bhatapara (CG)
2. State of Chhattisgarh, through the District Magistrate-Balodabazar-Bhatapara (CG)

----- Respondents

For Petitioner	: Mr.Shobhit Koshta, Advocate
For Respondents	: Mr.Matin Siddiqui, Dy.A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

08/01/2020

Heard.

1. The petitioner is an accused standing trial for offences punishable under Section 420, 467, 468, 471, 120B and 406 read with Section 34 of the IPC. He was arrested on 14.9.2019 and subsequently released on bail on 25.9.2019, immediately thereafter he made an application on 27.9.2019 before the concerned Court praying for giving CCTV footage audio & video of Police Station-Bhatapara (City) of 14.9.2019 for keeping the same in safe custody of the Court and for production of the same before the Court, which has been rejected by the trial Court by the impugned order holding that storage capacity of the CCTV camera

installed in Police Station-Bhatapara (City) is only for 5 days.

2. Mr. Shobhit Koshta, learned counsel for the petitioner, would submit that the impugned order is unsustainable and bad in law as the same is in violation of the decision of the Supreme Court in the matter of **Dilip K. Basu v. State of West Bengal and others**¹.
3. Mr. Matin Siddiqui, learned Deputy Advocate General for the respondents/State, would submit that storage capacity of CCTV cameras installed in Police Station-Bhatapara (City) was only for 7 days and thereafter it has been erased automatically and therefore, CCTV footage could not be supplied to the petitioner.
4. I have heard learned counsel for the parties and considered their rival submissions made hereinabove and also went through the records with utmost circumspection.
5. In the matter of **Dilip K. Basu** (supra), Their Lordships of the Supreme Court issued the following directions:-

"27. As regards installation of CCTV cameras in police stations and prisons, with a view to checking human rights abuse, it is heartening to note that all the States have in their affidavits supported the recommendation for installation of CCTV cameras in Police Stations and prisons. In some of the States, steps appear to have already been initiated in that direction. In the State of Bihar, CCTV cameras in all

1 AIR 2015 SC 2887

prisons and in 44 police stations in the State have already been installed. So also the State of Tamil Nadu plans to equip all police stations with CCTV cameras. State of Haryana has stated that CCTV cameras should be installed in all police stations, especially, at the entrance and in the lockups. Union Territories of Andaman & Nicobar and Puducherry has also installed CCTV cameras in most of the police stations. Some other States also appear to be taking steps to do so. Some of the States have, however, remained silent and non-committal on the issue. We do not for the present consider it necessary to issue a direction for installation of CCTV cameras in all police stations. We are of the opinion that the matter cannot be left to be considered by the State Governments concerned, having regard to the fact that several other State Governments have already taken action in that direction which we consider is commendable. All that we need say is that the State Governments may consider taking an appropriate decision in this regard, and appropriate action wherever it is considered feasible to install CCTV cameras in police stations. Some of these police stations may be located in sensitive areas prone to human rights violation. The States would, therefore, do well in identifying such police stations in the first instance and providing the necessary safeguard against such violation by installing CCTV camera in the same. The process can be completed in a phased manner depending upon the nature and the extent of violation and the experience of the past."

6. It is correct to say that statement of the prosecution has been accepted by the trial Court holding that storage capacity of CCTV cameras installed in Police Station-Bhatapara (City) is only for 5 days and therefore, it could not be given to the petitioner.
7. Pursuant to the direction issued by the Supreme Court

in Dilip K. Basu (supra), CCTV cameras have been installed in the Police Stations, but storage capacity of CCTV cameras is only for 5 days, which is not sufficient and fair compliance of the decision of the Supreme Court in the matter of Dilip K. Basu (supra).

8. The Supreme Court in the matter of Sidhartha Vashisht @ Manu Sharma v. State (N.C.T. of Delhi)² has held that the liberty of an accused cannot be interfered with except under due process of law. The expression 'due process of law' shall deem to include fairness in trial. The Court has recognized a right to the accused to receive all documents and statements as well as to move an application for production of any record or witness in support of his case.
9. It is the case of the petitioner that human right has been violated as the complainant who is hand in gloves with the police officers has falsely implicated the petitioner and framed him in the alleged commission of offence, as such, it is for the State/respondent No.2 to consider and to increase storage capacity of CCTV cameras installed in Police Stations for keeping CCTV footage for reasonable time. The Principal Secretary (Home) and Director General of Police, State of Chhattisgarh are directed to consider and to take remedial steps in this regard expeditiously to avoid recurrence of situation like this.

2 AIR 2010 SC 2352

10. With the aforesaid observation/direction, the CrMP stands finally disposed of. However, the petitioner is at liberty to raise such a ground before the trial Court during the course of trial in accordance with law. A copy of this order be sent to the Principal Secretary (Home) and Director General of Police, State of Chhattisgarh for information and compliance.

Sd/-

(Sanjay K. Agrawal)
Judge

B/-