



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P.(MD)No.4214 of 2020

WEB COPY

Santhiya

... Petitioner/3rd Accused Wife

Vs.

State through

1. The Deputy Superintendent of Police,
Tuticorin Town, Tuticorin.
2. The Sub Inspector of Police,
Thalamuthu Nagar police station,
Tuticorin District.
(Crime No.24 of 2020)

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C, to preserve the footage of CCTV camera on 27.01.2020 and 28.01.2020 affixed in the V.E.Road, Near Hotal Sugam and the Junction which connect Dhamothar Nagar Road in a safe and secured manner.

For Petitioner	: Mr.C.Susi Kumar
For Respondents	: Mr.A.Robinson, Government Advocate(Crl. Side).

O R D E R

This criminal original petition has been filed for directing the respondents to preserve the petition mentioned CCTV footage.

2. The petitioner's husband is shown as accused No.3 in Crime No.24 of 2020 registered on the file of the second respondent for the offences under Sections 341, 342, 324, 294(b), 307, 302 and 506 (ii) of I.P.C.

3. The occurrence is said to have taken place on 27.01.2020 at about 11.30 p.m. The specific case of the petitioner is that during the relevant time, the petitioner's husband was working in his tea shop at V.E.Road, Near Hotel Sugam, Thoothukudi. The murder had taken place some 2 kms. away from the said tea shop. The petitioner had in fact filed a petition before the jurisdictional Magistrate on 13.02.2020 seeking preservation of the said CCTV footage. Since no order was passed, this criminal original petition came to be filed.



4. The learned Government Advocate(Crl. Side) opposed the grant of relief in this criminal original petition by pointing out that the petitioner being the wife of the accused cannot maintain this criminal original petition.

5. I am not inclined to sustain the said objection. All that the petitioner wants is preservation of a relevant fact. The defence of the petitioner is that her husband was not present in the scene of occurrence during the relevant time. The accused can establish the said defence only if the petition mentioned CCTV footage is preserved. The respondent cannot now claim that the CCTV footage will be maintained only for about 30 days and that the relief cannot be granted at this point of time. On 13.02.2020 itself the petitioner had moved the jurisdictional Magistrate for preservation of CCTV footage.

6. Any accused is entitled to fair trial. This is a fundamental right guaranteed under Article 21 of the Constitution of India. The second respondent is directed to preserve the CCTV footage so that the petitioner can call for the same when the trial is taken up.

7. This criminal original petition stands allowed on these terms.

Sd/-

Assistant Registrar ()

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/ /2020

Sub Assistant Registrar(CS)

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To:

1. The Deputy Superintendent of Police,
Tuticorin Town, Tuticorin.
2. The Sub Inspector of Police,
Thalamuthu Nagar police station,
Tuticorin District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.SUSIKUMAR, Advocate (SR-11285[F] dated 12/03/2020)

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KB(17/03/2020) 2P 5C

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