



WEB COPY

W.P.(MD)No.344 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 07/12/2020

CORAM

The Hon'ble Mr.Justice **G.K.ILANTHIRAIYAN**

W.P.(MD)No.344 of 2017

and

W.M.P.(MD).No.244 of 2017

Ramjan Begam

: Petitioner

Vs.

1.The Divisional Security Commissioner,
Railway Protection Force,
Trichirappalli Junction,
D.R.M.Complex, Trichy.

2.The Secretary,
District Legal Services Authority,
ADR Building,
District Court Campus, Trichy.

3.The Inspector of Police,
Railway Police Station,
Trichirappalli Junction,
Trichy.

: Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent No.2 to appoint a Advocate Commissioner to inspect the CCTV Video footages in Trichy Railway Station within the time stipulated by this Court.

For Petitioner :Mr.R.Alagumani

For 1st Respondent :Mr.S.Manohar

For Respondents :Ms.M.Ananthadevi
2 and 3 Government Advocate (Crl. Side)

O R D E R

This writ petition has been filed seeking direction to the respondent No.2 to appoint a Advocate Commissioner to inspect the CCTV Video footages in Trichy Railway Station.



2.The learned counsel appearing for the petitioner submitted that her husband was detained by the third respondent and thereafter, he was remanded to judicial custody in pursuant to the FIR in Crime No.346 of 2016 for the offence under Sections 392, 397, 294(b) and 506(ii) of IPC on the file of the third respondent. He further submitted that the third respondent has foisted a false case as against her husband and remanded him to judicial custody. In fact, on 08.12.2016 at about 11.45 p.m the third respondent has taken her husband to the Railway Police Station through the Trichy RMS Post office and it was recorded in the CCTV of first platform of Trichy Railway Station. On 09.12.2016 at about 06.30 p.m one of the police of the third respondent has taken ticket from the ticket counter and the same was also recorded in the CCTV footage. Therefore, if the said video footage checked, the truth will come out. Thereafter, she has send a representation to the second respondent and requested to appoint advocate commissioner to inspect CCTV footage in the preserve the CCTV video footage. Thereafter, there is no proper reply from the second respondent. Hence, he has filed the present writ petition.

3.The learned Government Advocate (Crl. Side) appearing for the respondents 2 and 3 has produced the counter affidavit filed by the third respondent stating that one Marimuthu S/O Vellaisamy, gave a complaint alleging that on 09.12.2016 at about 06.30 p.m after purchasing ticket to go to Karur, one Vellaisamy came to the third platform of Tiruchirappalli Junction, and casually chatting with his friend. At that time one unidentified person threatened him at a knife point and robbed a sum of Rs.500/- from his pocket and also snatched wrist watch. On receipt of the complaint, a case was registered by the Tiruchirappalli Junction Railway, in P.S.Cr.No.346 of 2017 for the offence under Sections 392, 397, 294 (b) and 506(ii) of IPC and arrested the accused person and remanded him judicial custody. He further submitted that the petitioner's husband has involved five previous cases and all the cases are similar in nature and he is a history sheeter. In all the cases, the petitioner's husband is facing trial. Therefore, the present writ petition is filed only to escape from the clutches of law. He further submitted that the third respondent has completed the investigation and also filed a final report and the same has been taken cognizance in C.C.No.126 of 2018 on the file of the Judicial Magistrate No.IV, Trichy. During the trial, the petitioner did not appear before the lower Court, the NBW was issued against him and the same is pending for execution and hence, he prayed for dismissal of this petition.

4.Heard the learned counsel appearing for the petitioner
<https://www.hcma.org.in/civil/crime/> counsel appearing for the first respondent and the



learned Government Advocate (Crl. Side) appearing for the respondents 2 and 3.

5.It is seen that the petitioner wants to inspect the CCTV footages of the Trichy Railway Station first platform dated 09.12.2016. It is also seen that the Trichy RPF authorities stated that the CCTV video footage can be stored for only 30 days. After completion of 30 days, it automatically deleted from the CCTV footage. Therefore, no video footage is available at Trichy Railway Station and it cannot be possible for inspection.

6.In view of the above discussion, this writ petition stands dismissed as devoid of merits. No costs. Consequently, the connected writ miscellaneous petition is closed.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsg

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Divisional Security Commissioner,
Railway Protection Force,
Trichirappalli Junction,
D.R.M.Complex,
Trichy.

2.The Secretary,
District Legal Services Authority,
ADR Building,
District Court Campus,
Trichy.

3.The Inspector of Police,
Railway Police Station,
Trichirappalli Junction,
Trichy.



4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

WEB COPY

+1 CC to Dr.R.Alagumani, Advocate SR.No. 24759

+1 CC to Mr.S.Manohar, Advocate SR.No.24358

W.P. (MD)No.344 of 2017

and

W.M.P. (MD) .No.244 of 2017

07.12.2020

—

km(CO)

TR(10.02.2021) 4P 7C