



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2021

CORAM :

WEB COPY

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

CrI.O.P(MD)No.17697 of 2021

Surendar

... Petitioner

Vs.

The Inspector of Police,  
Karur Town Police Station,  
Karur District.  
(Crime No.1519 of 2021)

... Respondent

**Prayer:** This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the order passed by the learned Judicial Magistrate No.I, Karur, Karur District made in C.M.P.No.2063 of 2021 dated 25.10.2021 in connection with Crime No.1519 of 2021 and set aside the same.

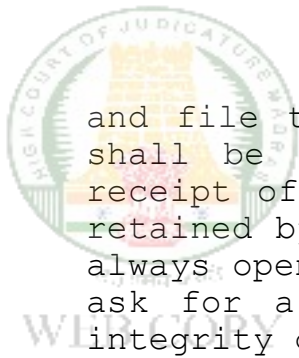
For Petitioner : Mr.T.Madhan  
For Respondent : Mr.T.Senthilkumar,  
Addl. Public Prosecutor.

### **O R D E R**

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

2.The petitioner is an accused in Crime No.1519 of 2021 registered on the file of the Karur Town Police Station. The case of the petitioner is that the petition mentioned CCTV footage is essential to prove his innocence in this case. Hence, he filed a petition under Section 91 of CrPC for causing production of the same. The Court below by the impugned order dated 25.10.2021 dismissed the petition after holding that the petitioner can ask for production of the CCTV footage in question only under Section 243 of CrPC, when the defence stage arrives. According to the Court below, the petition has been prematurely filed.

3.The approach of the Court below cannot be faulted. One cannot lose sight of the fact that the petitioner is an accused. At the same time, he is also entitled to fair investigation. Therefore, in the interest of justice, the respondent is directed to preserve the petition mentioned CCTV footage in the form of pendrive



and file the same before the jurisdictional Court. This exercise shall be done within a period of three weeks from the date of receipt of a copy of this order. A copy of the same will also be retained by the respondent. As and when the occasion arises, it is always open to the petitioner to apply under Section 243 of CrPC and ask for a copy thereof. The respondent has to ensure that the integrity of the footage is preserved.

4.This criminal original petition is disposed of on these terms.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Judicial Magistrate No.I,  
Karur, Karur District.
- 2.The Inspector of Police,  
Karur Town Police Station,  
Karur District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

Crl.O.P(MD)No.17697 of 2021  
15.11.2021

RD/PM (25.11.2021) 2P 4C