



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.19347 of 2021

and

Cr.M.P. (MD)No.11201 of 2021

Syed Meeran

... Petitioner

Vs.

1.The Commissioner of Police,  
Office of the Commissioner of Police,  
Madurai City.

2.The Inspector of Police,  
Thilagar Thidal Police Station,  
Madurai City.  
(Crime No.491 of 2021)

... Respondents

**Prayer:** Criminal Original Petition filed under Section 482 Cr.P.C., to direct the first respondent to preserve the CCTV cameras' footages of second respondent Police Station from the date of 28.09.2021 6.00 a.m to 29.09.2021 06.00 a.m by considering the representation of the petitioner's wife dated 30.09.2021 as the same is the vital evidence of the investigation in Crime No.491 of 2021 on the file of the second respondent.

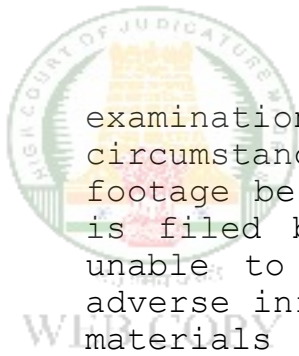
For Petitioner : Mr.S.M.A.Jinnah  
For Respondents : Mr.T.Senthil Kumar  
Additional Public Prosecutor

### ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

2.The petitioner figures as an accused in Crime No.491 of 2021 registered on the file of the second respondent. According to the petitioner, he requires the petitioned mentioned CCTV footage to prove his innocence. For directing the respondents to produce the same as and when required, this Criminal Original Petition came to be filed. During the pendency of the Criminal Original Petition, final report was filed and the case is presently pending on the file of the Principal Special Court for EC and NDPS Act Cases, Madurai in C.C.No.642 of 2021.

3.It is now stated that charges were framed today and the services provided by the police are not guilty and the case is posted to tomorrow for



examination of witnesses. Taking note of the overall facts and circumstances, the second respondent is directed to produce the CCTV footage before the concerned Court, if an application to the effect is filed by the petitioner herein. If the second respondent is unable to produce the CCTV footage, the Court below shall draw adverse inference. An accused is entitled to fair trial and all the materials that would be required to prove his innocence will have to be brought on record and cannot be withheld. If the petitioner is disabled from proving his innocence, the Court below will be justified in taking adverse inference against the prosecution and then passing judgment accordingly. The Court below is directed to dispose of the case as expeditiously as possible.

4. With the aforesaid directions, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

24 / 01 /2022

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 Commissioner of Police,  
Office of the Commissioner of Police, Madurai City.
2. The Inspector of Police,  
Thilagar Thidal Police Station, Madurai City.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

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