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Crl.O.P.No.4476 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.4476 of 2023

Sethu Raman

... Petitioner

Vs.

The Inspector of Police (L &O)
N-2, Kasimedu Police Station,
Royapuram, Chennai 600 013.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for records in Crl.M.P.No.4770 of 2023 on the file of the learned Chief Metropolitan Magistrate, Egmore at Chennai and set aside the order dated 13.02.2023.

For Petitioner : Mr.J.B.Solomon Peter Kamal Doss

For Respondents : Mr.S.Santhosh
Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed to call for records in Crl.M.P.No.4770 of 2023 on the file of the learned Chief Metropolitan Magistrate, Egmore at Chennai and set aside the order dated 13.02.2023.



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2. The learned counsel for the petitioner submitted that petitioner was charged for the offence under Sections 294(b), 353 of IPC and Section 5 of TN Public Property (Prevention of Damage & Loss) Act, 1992 for allegedly damaging the bus. The alleged incident is said to have been happened at 10 PM on 27.01.2023. If the incident as alleged by the prosecution had happened, that would have been captured in CCTV installed at 14 places mentioned in the petition. Therefore, petitioner filed petition for seizing CCTV footages of 14 places for producing before the Court in C.M.P.No.4770 of 2023 dated 13.02.2023. The petition was dismissed, challenging the dismissal order, present petition is filed. He further submitted that, unless the CCTV Footages seized by the respondent police are produced before the Court, truth will not come to light.

3. The learned Government Advocate (Crl. Side) submitted that the respondent police analysed the CCTV footages of the allegations mentioned in the petition and came to know that, in some CCTV's there were no records at all. Some of the CCTV, though recorded the events, the incident concerned in the case had not been recorded. Therefore, the learned Judge rightly dismissed the petition.



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4. Considered the rival submissions and perused the records. It is seen that, petitioner has prayed for seizure of CCTV footages from the following places:

1. Princess Palce – 3 Camers
2. Brothers Cool Bar -2 Cameras
3. Subash Pharmacy -1 Camera
4. HDFC Bank ATM – 1 Camera
5. ESAF Small Finance Bank and ATM – 1 Camera
6. Hotel Kuzhambu Kadal -1 Camera
7. Burmas Kitchern's – 2 Camera
8. Light Post (N2/5/3) of the center median – 3 Cameras
9. Bus Terminal near Police Quarters – 3 Cameras
10. 56-D Bus Stand – 1 Camera
11. Adjacent Bus Stand of 21-G – 1 Camera
12. Opposite to the 21-G Bus Stand (High Court Metro)
13. Awin Milk Parlor, Broadway -1 Camera
14. Arivik Tea Shop – 1 Camera



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It is also seen that some of the CCTV footages mentioned in the places had not recorded anything. Some of the CCTV, though recorded the events, the incident concerned in the case had not been recorded. Respondent Police had only seized the video footage submitted by the defacto complainant. Therefore, it is clearly stated that none of the CCTV's mentioned in the petition captured the incident concerning this case and therefore, no useful purpose will be served by seizing the CCTV footages. Therefore, this Court is of the view that the dismissal of the petition in Crl.M.P.No.4770 of 2023 by the Chief Metropolitan Magistrate, Egmore dated 13.02.2023 is right and it needs no interference.

5. Accordingly, this Criminal Original Petition is dismissed. However, if petitioner comes across any CCTV footage, which had captured the incident concerning this case, petitioner is directed to summon the CCTV footage from the concerned person(s) in the manner known to law for proving his case.

01.03.2023

Internet:Yes

Index:Yes/No

Speaking/Non speaking order

Sma



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To

1. The Inspector of Police (L &O)
N-2, Kasimedu Police Station,
Royapuram, Chennai 600 013.

2. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN,J.

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