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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.18907 of 2023

T.Somasundaram

..Petitioner/Defacto Complainant

vs.

1.The State represented by

The Inspector of Police,
AWPS Saidapet Police Station,
Saidapet, Anna Salai,
Chennai-600015.
(Ref: Crime No.06 of 2023, dated 02.07.2023)

2.Assistant Commissioner of Police,

49/1, Anna Salai, Saidapet,
Chennai-600015.

..Respondent/Investigating Officer

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to record the statement of the victim Surya through video conferencing in the above Crime No.06 of 2023 dated 2nd July 2023.

For Petitioner : Mr.G.R.Hari

For Respondents : Mr.A.Damodaran

Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed for a direction to the respondent police to record the statement of the victim through video conferencing in the course of investigation in Crime No.06 of 2023.

2. Heard Mr.A.Damodaran, learned Additional Public Prosecutor and Mr.G.R.Hari, learned counsel for the respondent.

3. The dafacto complainant in this case is the father of the victim girl and a complaint has been given against the husband and other relatives and a direction was also issued by the learned IV Metropolitan Magistrate, Saidapet in an application filed under section 156(3) of Cr.P.C. and based on the same, an F.I.R. came to be registered in Crime No.06 of 2023 for offence under section 498A of I.P.C.

4. According to the petitioner, his daughter is now employed in Germany and she is not able to travel to India. Hence, a request was made to the investigation officer to record the statement through video conferencing. Since this request was not acceded, the present petition has been filed before this



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5. The code of criminal procedure now provides for recording of statement under Section 161 of Cr.PC even through audio / video electronic means. A proviso was added to Sub Section 3 of 161 of Cr.PC in this regard through Act 5 of 2009, which came into effect from 31.12.2009. Therefore, it is not necessary that the statement must be recorded only in person and the police can now resort to utilize the audio / video electronic means also.

6. In the instant case, the victim is said to be working in Germany and the police had taken steps to make her attend the enquiry here and she is not able to travel to chennai and hence, there is no progress in the investigation. Hence, it will be more appropriate for the investigation officer to fix a date and time and inform the petitioner so that the victim girl can come through video conferencing and she can give her statement which can be recorded under Section 161 (3) of Cr.PC.

7. This process shall be completed by the investigating officer at the earliest possible time and it is left open to the investigating officer to proceed further in accordance with law.



8. This Criminal original petition is disposed of in the above terms.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
pal/rka

To

1. The Inspector of Police,
AWPS Saidapet Police Station,
Saidapet, Anna Salai,
Chennai-600015.

2. Assistant Commissioner of Police,
49/1, Anna Salai, Saidapet,
Chennai-600015.

3. The Public Prosecutor,
High Court of Madras,
Madras.



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