



W.P(MD)No.6508 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.07.2023

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P(MD)No.6508 of 2021

Mani

... Petitioner

-Vs-

1. The District Judge
Nagercoil, Kanyakumari District
2. The Superintendent of Police
Office of the Superintendent of Police
Nagercoil, Kanyakumari District.
3. The Inspector of Police
Boothapandi Police Station,
Kanyakumari District

... 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 respondents to consider the petitioners representations dated 03/03/2021 and 15/03/2021 and consequently direct the 1st respondent herein to preserve the copy of the CCTV footage recorded on 24/02/2021 which is installed at Learned District Munsif cum Judicial Magistrate , Boothapandy , Kanyakumari District and to direct the 2nd and 3rd respondent to keep it in custody as it is a vital document for the case registered in Cr.No.65 of 2021 and Cr.No.66 of 2021 on the file of the 3rd respondent police



W.P(MD)No.6508 of 2021

WEB COPY

For Petitioner

: Mr.R.Senthil Kumar

For R1 to R5

: Mr. R.M.Anbunithi
Additional Public Prosecutor

ORDER

This Writ Petition has been filed seeking for issuance of Writ of Mandamus to direct the respondents to consider the petitioners representations dated 03.03.2021 and 15.03.2021 and consequently direct the first respondent herein to preserve the copy of the CCTV footage recorded on 24.02.2021 which is installed at Learned District Munsif cum Judicial Magistrate , Boothapandy , Kanyakumari District and to direct the 2nd and 3rd respondent to keep it in custody as it is a vital document for the case registered in Cr.No.65 of 2021 and Cr.No.66 of 2021 on the file of the 3rd respondent police

2. According to the petitioner, on 24.02.2021, his cliets came to attend the hearing before the learned District Munsif cum Judicial Magistrate, Boothapandy, at that time there was boycott of the said Court and he has directed his clients to attend the hearings in M.C. No.3 of 2021 and M.C.No.1 of 2021. After attending hearing the in the above said case his clients were standing near the Bar association. At that time one K.P.R.Varatharajan along with his Son-in-law Vivek came there and scolded the petitioner in filthy language and



W.P(MD)No.6508 of 2021

assaulted him with hands. Further they also threatened him if he attend the hearings he will be killed . When the advocates and others rushed, the said K.P.R.Varatharajan and the said Vivek ran away from the place of occurrence. Thereafter he went to hospital and taken treatment and after taking treatment he lodged complaint before the third respondent police and the same was registered in Crime No.65 of 2021. The entire occurrence was outside the court hall of the learned District Munsif cum Judicial Magistrate, Boothapandy and the same has been recorded in the CCTV footage. Hence the petitioner has sent representation to the first respondent to preserve CCTV footage recorded on 24.02.2021 and thereafter on 03.03.2021. No reply has been received, hence he has filed the present petition.

3. No counter was filed by the respondents.

4. The learned counsel for the petitioner contended that on 24.02.2021 there was a boycott of the Court and the petitioner asked his client to attend hearings in M.C. No.3 of 2021 and M.C. No.1 of 2021. After attending hearing while they were standing near the bara association one K.P.R.Varatharajan and his Son-in-law came there and assaulted the petitioner and the same was recorded in the CCTV camera which is fixed on the Court of the learned District Munsif cum



W.P(MD)No.6508 of 2021

Judicial Magistrate, Boothapandi, hence in order to preserve the same, the petitioner has sent representation and the same was not considered and replied, hence the present petition has been filed.

5. The learned Additional Public Prosecutor appearing for the respondents contended that already the said case was closed as 'Mistake of Fact ' and further the alleged date of occurrence is 24.02.2021 and the CCTV footage can be preserved only for one month and one month time for preserving the footage was also lapsed and hence nothing survives for further adjudication in this petition.

6. In view of the submission made by the learned Additional Public Prosecutor that the case was closed as 'Mistake of Fact ' and also considering the fact that time for preserving the footage was also lapsed, this petition stands dismissed as infructuous. No costs.

24.07.2023

Index : Yes/No
Internet : Yes/No
aav



W.P(MD)No.6508 of 2021

To

WEB COPY

1. The District Judge
Nagercoil, Kanyakumari District
2. The Superintendent of Police
Office of the Superintendent of Police
Nagercoil, Kanyakumari District.
3. The Inspector of Police
Boothapandi Police Station,
Kanyakumari District
4. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



WEB COPY



W.P(MD)No.6508 of 2021

P.DHANABAL, J.

aav

W.P(MD)No.6508 of 2021

24.07.2023