



W.P(MD)No.6165 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2024

CORAM :

THE HON'BLE MR.JUSTICE **SATHI KUMAR SUKUMARA KURUP**

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Balakrishnan

... Petitioner

Vs.

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

2.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.

3.The Assistant Commissioner of Police,
Madurai Town Range, Madurai City.

4.The Inspector of Police,
Jaihindpuram Police Station,
Madurai City.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the Respondent Nos.1 to 4 to immediately retrieve, preserve and provide me a copy of the CCTV footage from my shops for the period from 10.10.2023 – 7.00 p.m., to 8.00 p.m., Old Deputy Commissioner Office, Madurai from 10.10.2023 – 10.30 p.m., to 11.10.2023 till 06.00 a.m., and



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Jaihindpuram Police Station from 11.10.2023 – 6.00 a.m., to 10.00 p.m., based on my representations, dated 06.02.2024 and 15.02.2024 respective in the light of the order of the Hon'ble Supreme Court SLP(Crl.)No.3543 of 2020 in Paramvir Singh Saini Vs Baljit Singh order, dated 02.12.2020.

For Petitioner : Mr.AK.Azagar Sami
For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the Respondent Nos.1 to 4 to immediately retrieve, preserve and provide a copy of the CCTV footage to the Petitioner from the Petitioner's shop for the period from 10.10.2023 – 7.00 p.m., to 8.00 p.m., Old Deputy Commissioner Office, Madurai from 10.10.2023 – 10.30 p.m., to 11.10.2023 till 06.00 a.m., and Jaihindpuram Police Station from 11.10.2023 – 6.00 a.m., to 10.00 p.m.

2.The learned Counsel for the Petitioner submitted that the Petitioner is arraigned as A4 in Cr.No.548 of 2023. He was engaged in



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the business of old iron scrap at Avaniapuram. On 10.10.2023 by around 07.30 pm to 08.00 pm, the Petitioner and his friends, Palanikumar and Veerasubash were taken by four Police men in civilian cloths for enquiry. After that, they were taken to Velammal Hospital, Ring Road and was beaten by the fourth Respondent. The next day, ie., on 11.10.2023, the fourth Respondent had taken the Petitioner and his friends to the Jaihindpuram Police Station by 06.00 a.m. An FIR was registered against the Petitioner and his friends by the fourth Respondent for the alleged offence under Section 399 IPC. The Petitioner and his friends were remanded to District Jail, Dindigul.

3.The Petitioner's wife Balasuguna filed a Writ Petition in W.P.(MD)No.26793 of 2023, which was dismissed on 21.12.2023. The Writ Petition filed by the wife of the Petitioner was for seeking the same relief, as sought for in this Writ Petition. The Petitioner had given representations to the Respondents 1 to 4, dated 06.02.2024 and 15.02.2024 seeking to retrieve the CCTV footages. Since the Respondent had not considered the said representations, the Petitioner has approached this Court.



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4.The learned Counsel for the Petitioner invited the attention of this Court to the ruling of the Hon'ble Supreme Court in ***Paramvir Singh Saini vs Baljit Singh and others*** in S.L.P.(Crl.)No.3543 of 2020. As per the said Ruling, every Police Station should have CCTV cameras installed at all entry and exit points; main gate of the Police Station; all lock-ups; all corridors; lobby/the reception area; all verandas/outhouses, Inspector's room; Sub- Inspector's room; areas outside the lock-up room; station hall; in front of the police station compound; outside (not inside) washrooms/toilets; Duty Officer's room; back part of the Police Station etc. The CCTV cameras installed must be equipped with night vision and must necessarily consist of audio as well as video footage and it should be stored for 18 months.

5.The learned Government Advocate (Crl.side) on instructions from the Respondent submitted that Cherry Technologies are entrusted with the maintenance of CCTV in the Police Station and in a letter addressed to the fourth Respondent, Cherry Technologies has stated as follows:

“As informed, verified the CCTV footage available in B6 Jaihindpuram P.S., as on 19.03.2024 and found that 3 CCTV cameras are working and backup available from



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19.02.2024 to 19.03.2024.

It is also informed that CCTV footage is not available for 11.10.2023 6 AM – 10 PM as on 19.03.2024. It is also informed that no CCTV Cameras available in Old Dy Commissioner of Police Office, Kavalkoodal Street, Madurai.”

6.The fourth Respondent has filed a counter affidavit. In the counter affidavit, it is stated that earlier, the wife of the Petitioner had filed a Writ Petition in W.P.(MD)No.26793 of 2023 seeking the very same relief. That Writ Petition was dismissed. Subsequently, this Writ Petition had been filed by the Petitioner. The Petitioner is arraigned as A4 in Cr.No.548 of 2023. In the FIR, it is stated that the fourth Respondent has received information that five persons gathered behind thorn bushes of Vani School, M.K.Puram and all of them were caught while making arrangements to commit robbery. Therefore, a case was registered and the accused were arrested with deadly weapons. After the arrest of the Petitioner, his wife filed a Writ Petition seeking to preserve the CCTV footages of three locations. The Writ Petition filed by the wife of the Petitioner was dismissed. Now, this is the second round of litigation.



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7.The Petitioner was arrested on 10.10.2023. As per the Petitioner's case, he was arrested, tortured and remanded on 11.10.2023.

The Petitioner is attempting to script, as though he is an innocent and had been falsely implicated in the FIR. The case was registered as an outcome of the legitimate investigation and not a foisted one. The persons, who have accompanied the Petitioners are notorious elements in the place of residence of the persons. All of them were got red handed in preparation of committing robbery. The CCTV footages in the Police Station and Old Deputy Commissioner of Police are maintained by the Cherry Technologies supporting team and the Police do not have enough mechanism to store the footages more than 30 days. When the technical support team of Cherry Technologies checked the footage on 19.03.2024, found that backups from 19.02.2024 to 19.03.2024 are available in the Jaihindpuram Police Station. The footages are not available for 11.10.2023 in the Jaihindpuram Police Station and CCTV cameras are not available in the old Deputy Commissioner of Police Office, Kavalkoodal Street, Madurai. The CCTV footages of the Petitioner's shop will be available with the Petitioner only. He has every right to preserve and produce it enabling the Respondents to take appropriate action. The prayer sought in the Writ Petition is liable to be rejected.



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This is an attempt by the Petitioner to escape from the clutches of law by diverting the attention. Therefore, the learned Government Advocate (Crl.side) seeks dismissal of this Petition.

8.As per the counter filed by the fourth Respondent, the Cherry Technologies is in-charge of maintaining the CCTV footage available in the Police Station and outside the Police Station. In the letter addressed to the fourth Respondent, Cherry Technologies stated that the technical supporting team checked the backups on 19.03.2024 and found that backups from 19.02.2024 to 19.03.2024 are available in the Jaihindpuram Police Station. The footages are not available for 11.10.2023 in the Jaihindpuram Police Station and CCTV cameras are not available in the old Deputy Commissioner of Police Office, Kavalkoodal Street, Madurai. Under those circumstances, the Petitioner has no other alternative than relying upon the Petitioner's own scrap shop, which had also the facility of CCTV cameras, which are not under the control of Cherry Technologies. Therefore, what is not available cannot be ordered and what is available is only the CCTV footages in the Petitioner's old scrap dealership, where from he can retrieve it and produce it during trial.



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In the result, the **Writ Petition** is partly allowed. The Petitioner shall retrieve the CCTV footages from his own shop, for which the help of the Police is not necessary. No costs.

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Internet :Yes/No

Index :Yes/No

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SATHI KUMAR SUKUMARA KURUP, J.

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