



W.P.(MD)No.13771 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED : 28.06.2024

CORAM :

**THE HON'BLE MR.JUSTICE B.PUGALENDHI**

W.P.(MD)No.13771 of 2024

Gokilapandian. B

... Petitioner

Vs

1.The Superintendent of Police,  
O/o.The Superintendent of Police,  
Theni,  
Theni District.

2.State Represented by  
The Inspector of Police,  
All Women Police Station,  
Theni,  
Theni District.

...Respondents

**Prayer :** Petition filed under Article 226 of Constitution of India, seeking for the issuance of Writ of Mandamus, directing the respondent No.2 to maintain / protect the CCTV footage of the respondent All Women Police Station, Theni for the period from 1 P.M. to 5 P.M. on 24.12.2022 of the 2nd respondent Police station covering the complaint in Crime No.60/2022 against the petitioner, received on 06.02.2023 from the Technical Office at the SP Office in Theni.



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For Petitioner : Mr.S.Louis  
For Respondents : Mr.T.Senthil Kumar  
Additional Public Prosecutor

## **ORDER**

This writ petition is filed by the accused in Crime No.60 of 2022, on the file of the second respondent, seeking a Mandamus, directing the second respondent to protect the CCTV Footages of All Women Police Station, Theni for the period from 1.00 p.m. to 5 p.m on 24.12.2022.

2.The petitioner has raised the following grounds in support of his contention:

- i. That the CCTV Footage of the respondent police station from 21.11.2022 to 26.11.2022 is very vital for the adjudication of the Criminal Case in CC No.60 of 2022, which is pending on the file of the Judicial Magistrate, Additional District Mahila Court and hence the same needs to be protected by the respondents in the interest of justice.

- ii. That the petitioner has a legitimate expectation that in the interest of fair trial, the CCTV footage for the above period of



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the respondent police has to be preserved

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iii. That there is no prejudice to the respondents in preserving the CCTV Footage.

iv. That it is the duty of the respondents to preserve /maintain safely the CCTV Footage from 21.11.2022 to 26.11.2022.

3. Mr. T. Senthil Kumar, learned Additional Public Prosecutor appearing for the respondents submits that the final report was filed on 11.05.2023 and the trial in CC No.60 of 2022 has already been commenced on 11.07.2023 by examining PW1. However, the petitioner has not cross examined PW1 on that day and thereafter, he filed an application under Section 311 of Cr.P.C and the same was also allowed. Even thereafter, the petitioner has not cross examined PW 1 and evaded the trial. Now, he has filed this petition, seeking a Mandamus to protect the CCTV footage of the respondent police station. The learned Additional Public Prosecutor has also relied on the earlier order passed by this Court in CrI.OP(MD) No.3425 of 2023, wherein, this Court has dismissed the similar request of this petitioner, which is as under:-

“6. Similarly, as mentioned in the counter, information consisting this petitioner alone has been provided, which



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is also legal in nature. The CCTV footage for the entire events from 21.11.2022 to 26.11.2022 would have covered various events, which may even affect the privacy of the third parties, not connecting in this present complaint. So I find that it is due to misconception of law, this petition is filed. I find no reason to entertain this petition.”

4.Since the petitioner's similar request has already been rejected by this Court in CrI.OP(MD) No.3425 of 2023, dated 24.03.2023 and also considering the objection of the learned Additional Public Prosecutor that this petitioner has evaded to proceed with the trial, this Court is not inclined to entertain this petition. Accordingly, this Writ Petition is dismissed. No costs.

**28.06.2024**

NCC : Yes/No  
Index : Yes/No  
Internet: Yes  
vrn



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To

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1. The Superintendent of Police,  
O/o. The Superintendent of Police,  
Theni,  
Theni District.
2. The Inspector of Police,  
All Women Police Station,  
Theni,  
Theni District.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**B.PUGALENDHI,J**

vrn

**Order made in**  
**W.P.(MD)No.13771 of 2024**

**28.06.2024**