



WP.(MD)No.20255 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserved : 15/12/2023

Date of Pronounced : 12/02/2024

**CORAM**

The Hon'ble Mr.Justice **G.ILANGOVA**

**WP (MD) No.20255 of 2023**

T.Arunkumar : Petitioner

Vs.

- 01.The Home Secretary,  
Government of Tamil Nadu,  
Secretariat,  
Chennai-600 009.
- 02.The Inspector General of Police,  
Office of the Inspector General of Police,  
South Zone,  
Madurai-625 002.
- 03.The District Collector,  
Office of the District Collector,  
Tirunelveli.
- 04.The Superintendent of Police,  
Office of the Superintendent of Police,  
Tirunelveli.
- 05.The Deputy Superintendent of Police,  
Ambasamudram Police, Sub Division,  
Ambasamudram,  
Tirunelveli.
- 06.The Inspector of Police,  
Ambasamudram Police Station,  
Ambasamudram Taluk,  
Tirunelveli.
- 07.The Inspector of Police,  
V.K Puram Police Station,  
Tirunelveli District.



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- 08.The Inspector of Police,  
Kallidaikurishi Police Station,  
Tirunelveli District.
- 09.The Inspector General of Police-Crime Branch (CID),  
No.3, SIDCO Electronic Complex,  
1<sup>st</sup> Floor, Guindy,  
Chennai-600 032.
- 10.The Deputy Superintendent of Police-  
Crime Branch (CID),  
Office of the Deputy Superintendent of Police (CBCID),  
Tirunelveli.
- 11.The Finance Secretary,  
The State Level Over Sigh Committee,  
Finance Department,  
Secretariate, Chennai-600 009.
- 12.The Director General of Police,  
Head of Police Force,  
Government of Tamil Nadu,  
Dr.Radhakrishnan Road,  
Mylapore, Chennai-600 004.
- 13.The Chairperson,  
The Tamil Nadu State Commission for Women,  
Kalas Mahal, 1<sup>st</sup> Floor,  
Chepauk, Chennai-600 005.
- 14.The District Revenue Officer,  
Office of the District Collector,  
Tirunelveli District. : Respondents

**PRAYER:-**Writ Petition has been filed under Article 226 of the Constitution of India, in the nature of Writ of Mandamus to direct the respondent Nos. 1,3,4,5,6,7,11,12,13 and 14 to immediately retrieve, preserve and provide to the petitioner a copy of the CCTV footage for the period from 10/03/2023 10.am to 11/03/2023 10.00 pm in the Respondent No.6 ad 7 police station based on the representation of the petitioner,



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dated 17/04/2023 and subsequent representation dated 12/08/2023 in the light of the order of the Hon'ble Supreme Court in SLP(Crl.) No.3543 of 2020 in Paramvir Singh Saini v/s. Balaji Singh order dated 02.12.2020 and to pass such further or other orders.

For Petitioner : Mr.Henri Tiphagne  
For Respondents : Mr.R.M.Anbunithi  
Additional Public Prosecutor

### **O R D E R**

This writ petition has been filed seeking for direction to the respondent Nos.1, 3, 4, 5, 6, 7, 11, 12, 13 and 14 to immediately retrieve, preserve and provide to the petitioner a copy of the CCTV footage between the period at 10.00 am on 10/03/2023 and at 10.00 pm on 11/03/2023 installed in the 6<sup>th</sup> and 7<sup>th</sup> respondents police station, based on the representation of the petitioner, dated 17/04/2023 and subsequent representation, dated 12/08/2023 in the light of the order of the Hon'ble Supreme Court in SLP(Crl.)No.3543 of 2020 in Paramvir Singh Saini v/s. Balaji Singh, dated 02.12.2020.

### **2.The facts in brief:-**

A case in Crime No.65 of 2023 was registered, on 10/03/2023 by the V.K.Puram Police against the petitioner and others for the offences under sections 147, 148, 341,



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294(b), 307, 324, 323 and 506(2) of IPC. Details of the FIR are not necessary for our discussion herein. Suffice to say that the petitioner is an accused in Crime No.49 of 2023 on the file of the Ambasamudram Police Station.

3.Now the case of the petitioner is that he was assaulted by the opposite group, on 08/03/2023 in one Chellappa's Mutton shop. So his mother and father went to the Ambasamudram Police Station. He rushed to the Government Hospital without any further action. The above said event was captured in the CCTV available at the entrance of the Ambasamudram Police Station, where the ASP Mr.Balveersingh, IPS was available in a jeep. Thereafter, ASP Mr.Balveersingh came to the police station in his uniform tortured, assaulted and ill-treated him.

4.Details of the pleadings in the writ petition is not necessary for discussion in this matter.

5.Now suffice to say that in the meantime, Amutha, the Home Secretary was appointed as Inquiry Officer of High Level Inquiry committee. A representation was made by the petitioner and others seeking CCTV footage captured in the camera installed in the police station



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between 10.00 am on 10/03/2023 and 10.00 pm on 11/03/2023. Later, another representation was made on 12/08/2023. Since that was not considered, this petition is filed along with WP(MD)Nos.14760, 20058, 20059 and 20255 of 2023.

6.When this mater is also taken along with the above said matters, except this matter, all other matters were disposed of, on 25/3/2023. So far as this matter is concerned, it is kept pending. Government wants to file counter affidavit. In spite of repeated adjournments, the counter was not filed in time.

7.When the matter was reserved, after going through the records in the connected matters, the Investigating Officer filed status report and counter in the connected matter. So the matter was posted for clarification. At that time, it was informed to the petitioner as well as the learned Additional Public Prosecutor that the counter affidavit and status report filed in the connected matters, will be taken as reference to the present subject matter for consideration. On that account, the matter has been listed today for orders. Only at that time, a counter affidavit is filed by the 2<sup>nd</sup> respondent stating that during the course of investigation, the



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Investigating Officer obtained footage in a pen drive from the Technical Inspector, Tirunelveli, on 22/08/2023. The case properties are remanded as PR No.399 of 2023 before the Judicial Magistrate Court No.1, Tirunelveli. Final report was filed and taken cognizance, on 24/09/2023. Since CCTV footage is now available with the Court as document, as court property, the same cannot be given to the petitioner.

8.Now we will refer to the counter affidavit filed by the Investigating Officer in CrI.OP(MD)No.14760 of 2023. Para 9 details about the subject issue, which reads as under:-

*"9.It is humbly submitted that the technical S.I Tr.Punnaivanam, Tirunelveli also examined. He stated that on 10.03.2023, he was taken up the CCTV Footage of Ambasamudram, in that from 9.47 hrs to 10.04 hrs and from 12.28 to 15.49 hrs. footage was not available and it may be due to power failure as UPS and Battery attached with CCTV System was not functioning and report submitted on 25.10.2023 to the Superintendent of Police, Tirunelveli for service."*



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9. So this has been repeated in the counter affidavit today. Now it has been stated in the counter that the above said CCTV footage in the form of pen drive was submitted before the trial court. But the copy is available with the respondents herein.

10. So the copy of CCTV footage must be furnished to the petitioner, since he made representation even at the earliest opportunity. Liberty is also granted to the petitioner to get the copy from the concerned court namely the Judicial Magistrate No.1, Tirunelveli in CC No.2419 of 2023, if so required by him. But that right will not stand in the way of granting copy to the petitioner by the Investigating Officer namely the Additional Superintendent of Police, OD at Organised Crime Unit, Crime Branch CID, Tirunelveli City.

11. In the result, this writ petition is **allowed**. There shall be a direction to the Additional Superintendent of Police, Officer on Duty at Organized Crime Unit, Crime Branch CID, Tirunelveli City to supply the available copy of the CCTV footage in the police station as requested by the petitioner in this petition. The compliance report must be submitted to the Registry. The above said process shall be completed within a period



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of 15 days from the date of receipt of a copy of the order. No costs.

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Index:Yes/No  
Internet:Yes/No  
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To,

- 1.The Home Secretary,  
Government of Tamil Nadu,  
Secretariat,  
Chennai-600 009.
- 2.The Inspector General of Police,  
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- 3.The District Collector,  
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- 5.The Deputy Superintendent of Police,  
Ambasamudram Police, Sub Division,  
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- 6.The Inspector of Police,  
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- 9.The Inspector General of Police-Crime Branch (CID),  
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- 10.The Deputy Superintendent of Police-  
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Dr.Radhakrishnan Road,  
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- 13.The Chairperson,  
The Tamil Nadu State Commission for Women,  
Kalas Mahal, 1<sup>st</sup> Floor,  
Chepauk, Chennai-600 005.
- 14.The District Revenue Officer,  
Office of the District Collector,  
Tirunelveli District.
- 15.The Additional Pubic Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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G.ILANGOVAN, J

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