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Crl.R.C.No.434 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.434 of 2025

and

Crl.M.P.No.5074 of 2025

Prakash

... Petitioner

..VS..

The State Represented by
Inspector of Police,
Thali Police Station,
Thali, Krishnagiri District.

... Respondent

Criminal Revision Case filed under Sections 397 read with 401 Cr.P.C., to set aside the order passed in Crl.M.P.No.03 of 2024 dated 02.01.2025 in S.C.No.66 of 2022 on the file of the Assistant Sessions Court, Denkanikottai.

For Petitioner : Mr.A.Sundara Vadhanan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



Crl.R.C.No.434 of 2025

ORDER

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This Criminal Revision Petition is filed against the order dated 02.01.2025 passed in Crl.M.P.No.03 of 2024 in S.C.No.66 of 2022 on the file of the Subordinate Court, Denkanikottai.

2. Learned counsel for the petitioner submitted that the petitioner is the *de-facto* complainant in Crime No.323 of 2020 dated 08.05.2020 on the file of the respondent-Police. On completion of investigation, final report was filed on 02.01.2021 and the same was taken on file by the Assistant Sessions Judge, Denkanikottai in S.C.No.66 of 2022. He further submitted that during the investigation, the respondent-Police found CCTV footage, which would disclose the movement of the petitioner and the accused, who followed him before committing the offence. Though the CCTV footage was recovered by the respondent-Police, it does not form part of the records accompanying the final report. Therefore, the petitioner filed an application for production of documents under Section 91 Cr.P.C., but the same has not been entertained by the Court below. Hence, the petitioner filed a petition invoking Section 482 Cr.P.C., in

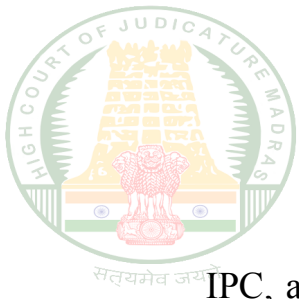


Crl.R.C.No.434 of 2025

WEB COPY

Crl.O.P.No.10972 of 2024 before this Court, seeking a direction to the trial Court to number the petition and pass appropriate orders in accordance with law. This Court, *vide* order dated 04.06.2024, disposed of the petition and directed the *de-facto* complainant to produce the petition before the Court below and the trial Court was directed to decide the same on merits. Hence, the petitioner filed a petition under Section 65B of Evidence Act / 63 of BSA Act, 2023 before the Assistant Sessions Judge, Denkanikottai and has also produced a pendrive containing the conversations between the petitioner and incharge investigating officer. However, the Court below without conducting enquiry on the audio recording produced by the petitioner i.e., pendrive and without proper appreciation on the plea raised by the petitioner had recorded the statement of prosecution and dismissed the petition, which warrants interference of this Court.

3. Learned Additional Public Prosecutor appearing for the respondent-Police, on instructions, submitted that originally case in Crime No.323 of 2020 was registered against the accused persons for the offences punishable under Sections 279, 337, 323, 324 and 506(Part-II)



Crl.R.C.No.434 of 2025

WEB COPY

IPC, and later altered into Section 307 IPC. He further submitted that in the original complaint the petitioner has not stated about the CCTV Footage. Further, no such evidence was collected by the investigating officer, as alleged by the petitioner. He further submitted that when the petitioner filed the petition invoking Section 91 Cr.P.C., for production of the documents, in that petition also the petitioner did not disclose about pendrive and he has not produced the same. Earlier he filed a petition under Section 482 Cr.P.C., seeking a direction to the trial Court to number the petition filed under Section 91 Cr.P.C. The learned Sessions Judge, after appreciating the submissions of both sides, *vide* order dated 02.01.2025 dismissed the petition, since both Police and Assistant Public Prosecutor have stated that no CCTV footage is available.

4. On a perusal of the entire materials, particularly, the complaints of the petitioner, it is seen that though in the original complaint, the petitioner does not disclose about CCTV footage, but in the subsequent complaint dated 02.11.2020, he has stated about the CCTV footage. Hence, it would reveal that prior to filing of the final report i.e., 02.01.2021, the petitioner brought to the knowledge of the respondent-



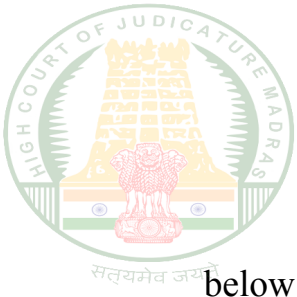
Crl.R.C.No.434 of 2025

WEB COPY

Police about the CCTV footage, but they have not taken any steps to collect the same and they have simply stated that the petitioner has not produced the CCTV footage.

5. It is settled proposition of law that First Information Report is not an encyclopedia. It is only an information to set the law in motion. Once the commission of offence brought to the knowledge of the Police, it is the duty of the Police to conduct fair investigation and to collect the materials disclosed by the complainant.

6. Unfortunately, in the State, the Police authority did not conduct the fair investigation in the manner known to law. It is very hardly to see the fair investigation report. Therefore, this Court is not satisfied with the investigation conducted by the respondent-Police in this case and hence, the impugned order dated 02.01.2025 passed by the learned Sessions Judge, is hereby set aside and the matter is remitted back to the learned Assistant Sessions Judge, for fresh consideration. The petitioner is directed to produce all the relevant materials i.e., CCTV footage along with certification under Section 65B of Evidence Act before the Court



Crl.R.C.No.434 of 2025

WEB COPY

below. On such receipt, the learned Assistant Sessions Judge, Subordinate Court, Denkanikottai, is directed to consider the said application and dispose of the case on merits and in accordance with law, after giving sufficient opportunity to all the parties.

7. In the result, this Criminal Revision Petition is allowed.
Consequently, connected miscellaneous petition is closed.

17.03.2025

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Case Citation : Yes / No
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Crl.R.C.No.434 of 2025

To

1. The Assistant Sessions Judge,
Subordinate Court,
Denkanikottai.
2. The Inspector of Police,
Thali Police Station,
Thali, Krishnagiri District.
3. The Public Prosecutor,
High Court, Madras.



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Crl.R.C.No.434 of 2025

P.VELMURUGAN, J.

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Crl.R.C.No.434 of 2025

17.03.2025