

W.P.(MD)No.2854 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.2854 of 2025
and W.M.P.(MD)No.2005 of 2025

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... Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli District, Tirunelveli.

2.The Deputy Superintendent of Police,
Valliyoor Sub-Division, Tirunelveli District.

3.The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue Writ of Mandamus directing the respondents to produce Hard Disk contains CCTV footages recorded on 02.09.2024 of Kuthenkuly Village, Radhapuram Taluk, Tirunelveli District recovered by the third respondent on 02.09.2024 from the house of Parish Priest, Punitha Micheal Athithoothar Church (Epiphany Church), Kuthenkuly in connection with Crime No.386 of 2024 and produce the same before the learned Judicial Magistrate, Radhapuram in PRC.No.6 of 2025 within time frame fixed by this Court.



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For Petitioner : Mr.S.Arunkumar

For Respondents : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

ORDER

This writ petition has been filed to direct the respondents to produce Hard Disk contains CCTV footages recorded on 02.09.2024 of Kuthenkuly Village, Radhapuram Taluk, Tirunelveli District recovered by the third respondent on 02.09.2024 from the house of Parish Priest, Punitha Micheal Athithoothar Church (Epiphany Church), Kuthenkuly in connection with Crime No.386 of 2024 and produce the same before the learned Judicial Magistrate, Radhapuram in PRC.No.6 of 2025 within time a frame.

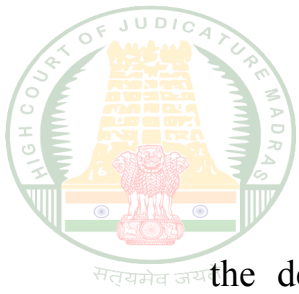
2.The contention of the petitioner is that he is an accused in Cr. No.386 of 2024, which was registered for the offences punishable under Sections 191(2), 191(3), 49, 296(b), 126(2), 127(2), 103(1) and 351(3) BNS. After petitioner's arrest, the petitioner's wife had sent a



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representation to various authorities that the petitioner and the most of the accused have been falsely implicated in the above said case. In fact, four members, ie., A1 to A6 are belonging to the same family and they all have been arrayed as accused in this case. On 09.09.2024, A10's wife had sent representation by giving details about the availability of CCTV camera near the scene of occurrence. The Parish Priest of Church had given a letter dated 04.11.2024 confirming that for the sake of safety, CCTV cameras have been installed in the village and the control box is available in the house of Priest. Further he confirmed that on 02.09.2024, the Inspector of Police, Kudankulam had come to collect the hard disk from the camera and thereafter replaced the same with new hard disk. Further, the petitioner would also produced photographs showing camera installed in front of the Church, which is the scene of occurrence. More over, only one single stab injury found on the deceased, for which, 18 persons have been shown as accused. By referring the postmortem report, the petitioner confirms that the deceased suffered one stab injury on his abdomen. In the said circumstances, FIR came to be registered against the accused persons, as if, all the accused stabbed the deceased. The final opinion of the Doctor also confirms that



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the deceased was died due to the stab injury in the abdomen and therefore, the prosecution case is not supported with the medical records.

The prosecution, for the reasons best known, has not produced CCTV camera recordings, which has been seized from the scene of occurrence and rough sketch has been drawn purposely without CCTV cameras, which would only show that the investigation has not conducted in accordance with law. Hence, the petitioner sought for transfer of investigation.

3.The learned Additional Public Prosecutor appearing for the respondents would submit that the brother of the deceased had lodged a complaint, in which, he named all the accused and also gave overt act. Thereafter, the case has been registered. After recording the statement from the witnesses, charge sheet has been laid before the Committal Court in PRC.No.6 of 2025. He would fairly submit that there was only one stab injury on the abdomen of the deceased.

4.Heard the learned counsel on either side and perused the materials available in the record.



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5.It is seen from the records that the overt-act attributed against the petitioner has not corroborated with the medical records, which might only lead to benefit to the accused. It is further seen that the final opinion of the Doctor has not been corroborated with the statement of the witnesses. This Court also questioned about the CCTV footages, for which, it is informed that there is no CCTV footages available in the scene of occurrence, which has also not been corroborated with the letter issued by the Parish Priest.

6.In view of the above, this Court directs the learned Judicial Magistrate, Radhapuram to keep-in-abeyance the case in PRC.No.6 of 2025. This Court also directs the second respondent to conduct further investigation in Cr.No.386 of 2024 based on the representation given by the petitioner's wife as well as the wife of the 10th accused. The petitioner is also permitted to hand over the CCTV footages, which may take as aid for the investigation. The second respondent is directed to file fresh charge sheet, within three months from the date of receipt of a copy of this order. The first respondent is directed to monitor the



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investigation of this case. Accordingly, this writ petition is disposed of.

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No costs. Consequently, connected miscellaneous petition is closed.

31.01.2025

NCC : Yes / No

Index : Yes / No

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Note: Issue Order Copy on 24.02.2025



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To

- 1.The Judicial Magistrate, Radhapuram
- 2.The Superintendent of Police,
Tirunelveli District, Tirunelveli.
- 3.The Deputy Superintendent of Police,
Valliyoor Sub-Division, Tirunelveli District.
- 4.The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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