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MCRC-34624-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 19th OF SEPTEMBER, 2024MISC. CRIMINAL CASE No. 34624 of 2024*NIRMAL**Versus**THE STATE OF M.P.*

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Appearance:

Shri Abhishek Rathore, learned counsel for the applicant.

*Shri Apoorv Joshi, learned Govt. Advocate for the respondent/State with Shri
Vijay Khatri, Senior Superintendent of Police (Radio), Bhopal*

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ORDER

1] Although this bail application under Section 439 of Cr.P.C.1973, for offences under Sections 8/15, 25 & 29 of the Narcotic Drugs Psychotropic Substance Act, 1985 has already been allowed by this Court on 11.9.2024, owing to serious lapses on the part of the concerned police station at Manasa, District-Neemuch to furnish CCTV footage to the applicant whose contention was that he was arrested prior in time and a false case has been slapped on him subsequently, while in the police custody, however, the case was not disposed of with a view to enquire into the current practice adopted by the police to maintain the CCTV cameras installed in the police stations. Hence, certain directions were also issued to the Senior Superintend of Police, Radio, Bhopal, and pursuant to which, Shri Vijay Khatri, Senior Superintend of Police, Radio, Bhopal has appeared through video conferencing and has informed this Court that the order passed by the Hon'ble Supreme Court in the case of *Paramvir Singh Saini vs. Baljit Singh*



& others passed in *Special Leave Petition (Criminal) No.3543 of 2020 dated 02.12.2020*, reported as *(2021) 1 SCC 184* has been complied with, and SOP (Standard Operating Procedure) has also been issued in the month of December 2023, effective from January 2024, and as of now, the capacity of the CCTVs installed in the police stations is sufficient enough to keep the data for a period of minimum one year.

2] In the aforesaid SOPs there are various levels of supervision of the CCTV, including a Nodal S.P./Additional S.P., Zonal S.P., and vide order dated 22.01.2021, District Level and State Level Oversight Committee (DLOC/SLOC) have also been formed.

3] On perusal of the aforesaid SOP, and the documents filed on record, this Court is of the considered opinion that although the respondents have tried to comply with the order passed by the Supreme Court in the case of *Paramvir Singh Saini* (supra), however, all these hardware installed, and SOPs issued for the proper maintenance of the same are meaningless if they are not properly implemented by the officers concerned in the letter and spirit of the order passed by the Supreme Court in the case of *Paramvir Singh Saini* (supra).

4] It is also found that the SOP does not provide for any penal consequences, if they are not adhered to by the concerned officers of the police station, except Para 4.1.21 which provides as under:-

"CCTV सिस्टम में यदि कोई रिकॉर्डिंग को मिटाने, हार्डडिस्क चोरी/करप्ट करने, सिस्टम को बंद/खराब करने चोरी करने का प्रयास करता है, तो उनके विरुद्ध अनुशासनात्मक/वैधानिक कार्यवाही की



जावेगी ।"

5] The aforesaid proposed disciplinary action, in the considered opinion of this court, is a mere eye wash and totally inadequate to make any impact on the police officer concerned.

6] This court is of the considered opinion that if the persons, who are actually involved for proper maintaining the CCTVs installed in the Police Stations across the State and who are responsible to see to it that they work round the clock, do not perform their duties with honestly and due diligence, all these SOPs and hardware become an empty formality at the cost of the public exchequer, and also hinders the administration of justice.

7] In such circumstances, with a view to ensure the proper compliance of the SOPs issued by the State, and to fix the responsibilities for not adhering to the said SOPs, this court, by invoking its powers u/s.482 of Cr.P.C., directs that in case of any failure to provide the CCTV footage to any person by any of the persons involved/S.H.O. of the concerned police station, a departmental enquiry be invariably be initiated against him/them in accordance with law, and if found guilty, **it should be treated as a major misconduct, and punished accordingly**, as it must be understood that the CCTV cameras in the police stations have been directed to be installed with a view to ensure that the fundamental rights of the citizens are protected, and to prevent police atrocities in the police station/custody, thus, any negligence or dereliction of duties to carry out the aforesaid procedure shall be treated as a serious lapse in performing the duties.

8] The State Level Over Site Committee and the District Level Oversight Committee are also directed to perform their duties as prescribed by the



Supreme Court in the case of *Paramvir Singh Saini* (supra), and for this purpose they should also meet at least once in a month to take stock of the situation, with minutes of the meetings kept for record.

9] This court is also of the considered opinion that the time has come when the State Government should also give a thought to providing body cameras to police personnel, at least to the police force of some of the police stations in major cities, in addition to increasing the number of police personnel.

10] With the aforesaid directions, the present M.Cr.C. stands *disposed of*.

11] Let a copy of this order be sent to the Director General of Police, M.P./Senior Superintend of Police, Radio, Bhopal for its proper compliance and for further communicating the gist of the same to all the police stations of the State.

(SUBODH ABHYANKAR)
JUDGE