

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.1686 OF 2018

Dishant S/o Raja Salve,
Age-23 Years, Occu-Student,
R/o House No. 1-12-91,
GHATI Gautam Nagar,
Aurangabad-431001. **= PETITIONER**

VERSUS

1. The State of Maharashtra
through Commissioner of Police,
Aurangabad and others **= RESPONDENTS**

Mr.Sanket Kulkarni, Adv. For Petitioner;
Mr.SP Sonpawale, APP for Respondent-State.

CORAM : P.R. BORA, J.
DATED : 13th December, 2018.

PER COURT:-

1. Heard Shri Sanket Kulkarni, learned counsel appearing for petitioner.

2. The petitioner is one of the accused in CR No.I-101/2018 registered at Osmanpura police station, Aurangabad for the offences punishable under sections 498-A, 489(B), 489(C), 489(D) read with 34 of IPC. The petitioner had filed an application being Criminal M.A.No.2089/2018 with

the following prayers, -

"1. Directions may kindly be given to the Investigating officer for preserving CCTV footages of aforementioned places for a period from 19.07.2018 to 25.07.2018; and

2. Further direction may kindly be given to provide a copy of the same to the applicant; and

3. The said records may kindly be summoned for the period mentioned above, and to be produced before this Hon'ble court and oblige."

3. The learned JMFC, Court No.12, Aurangabad has rejected the aforesaid application only on the ground that the documents as are sought to be produced and called, are not available with the concerned authorities. It is the contention of the learned counsel that in such circumstances, the other procedure must have been followed by the learned Magistrate.

4. The learned counsel has placed reliance on the judgment of this court in the case of Kamal Ahmed Mohammed Vakil Ansari and Ors. Vs. the State of Maharashtra - 2014 ALL MR(Cri.) 5055.

(3)

The learned counsel invited my attention to the relevant guidelines laid down by this court in para 61 of the said judgment.

5. I have carefully gone through the said guidelines. It appears to me that the petitioner is not precluded from making a fresh application in view of the guidelines laid down and seek further directions from the concerned court. If such application is filed, the concerned court shall, keeping in view the directions given in the aforesaid judgment by this court, decide the said application.

6. The writ petition stands disposed of with the aforesaid directions.

(P.R. BORA)
JUDGE

bdv