

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION (WP) NO. 1045 OF 2017.

(Rahul Yeshwant Awari & Anr. Vs. State of Maharashtra & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

None for the petitioners.
Shri S.P. Deshpande, APP for respondent No.1.

**CORAM : Z.A. HAQ &
PUSHPA V. GANEDIWALA, JJ.
OCTOBER 09, 2019.**

By this petition, the petitioners contend that they were illegally detained at the respondent No.1 Police Station on 22/09/2016 by the respondent Nos.2 to 4 (Police Officers), and it is prayed that the petitioners be paid compensation, saddling the liability on the respondents.

The order sheets show that after the respondent No.1 – State of Maharashtra filed its reply on 04/09/2018, the petitioners are not diligently attending the matter. Learned Advocate for the petitioners sought time on 05/09/2018 to file rejoinder. On the next date i.e. on 19/09/2018, none appeared for the petitioners. On 03/10/2018, the matter was adjourned by consent. On 17/10/2018, learned Advocate for the petitioners again sought time to file rejoinder. On 21/11/2018, the matter was adjourned by consent. On 05/12/2018, again none appeared for the petitioners. Order dated

21/01/2019 again shows that none had appeared on behalf of the petitioners. On 10/06/2019, again none appeared for the petitioners and on 05/09/2019 also, none appeared for the petitioners. Today again, when the matter came to be called out, none appeared for the petitioners.

None appears for the respondent Nos.2 to 10.

With the assistance of Shri S.P. Deshpande, learned Additional Public Prosecutor, we have gone through the reply filed on behalf of the State and have also examined the documents placed on the record of the petition.

The petitioners have not placed any material on record on the basis of which it can be said that the petitioners were illegally detained at Ramnagar Police Station, Chandrapur from 20/09/2016 to 22/09/2016, as alleged by the petitioners.

In the reply filed by the respondent No.1/ State it is stated on oath that report against the petitioners was lodged by the respondent No.5 (wife of the petitioner No.1) on 22/09/2016 and therefore, there was no occasion for the respondent No.2 to 4 to detain the petitioners on 20/09/2016.

It is not in dispute that CCTV is installed at the Ramnagar Police Station, Chandrapur. The petitioners rely heavily on their contention that the

respondent Nos.1 to 4 are deliberately keeping back the CCTV footage of the relevant period and if it is produced, it will fortify contention of the petitioners.

In the reply filed by the respondent No.1/ State it is stated that the CCTV surveillance system which is installed at Ramnagar Police Station is equipped with 2 TB Hard Disk and it has 15 days storage capacity and the footages of period prior to 15 days are not available. It is pointed out that the petitioners applied on 28/08/2017 i.e. after 11 months under Right to Information Act for the CCTV footages of 22/09/2016 and as the footages of that period were not available, they could not be supplied. It goes unexplained as to why the petitioners have not asked for the CCTV footages immediately.

Considering the facts on record, we are satisfied with the reply filed by the respondent No.1 – State.

Hence, we are not inclined to consider the prayer of the petitioners in the extraordinary jurisdiction.

Therefore, the Writ Petition is dismissed.
No Costs.

CRIMINAL APPLICATION (APPW) NO. 20 OF 2018.

In view of dismissal of the Writ Petition, this application praying for dispensing with typed

copy of F.I.R. does not survive. It is disposed accordingly.

JUDGE

JUDGE

Sumit