

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

CRIMINAL WRIT PETITION NO.658 OF 2021

AHMED KHAN S/O. AMIN KHAN
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Petitioner : Mr. Kuldip Kahalekar h/f Mr. Ghanekar Nilesh S.
APP for Respondents/State: Mrs. R.P. Gaur

...

CORAM : MANGESH S. PATIL, J.

DATE : 04.08.2021

PER COURT :

After having heard both the sides it appears that the petitioner is facing a trial *inter alia* for the offence punishable under the Protection of Children From Sexual Offences, Act. He is an employee of the school and the incident is alleged to have taken place in the precincts of the school.

2. It was informed that the C.C.T.V. cameras have been installed in the school premises. The petitioner had sought a copy of its footage. Since his such request was not considered by the Special Court he had approached this Court by filing Criminal Writ Petition No.1099/2019. By the order dated 01.10.2019 the Writ Petition was disposed of with a direction to the prosecution to provide a copy of a C.C.T.V. footage that was collected from the school to the petitioner of the relevant period.

3. It appears that by the impugned order, the learned Special Judge having expressed her inability to implement this direction has now

decided to proceed with the trial disposing of the application of the petitioner (Exhibit-143) whereby he had sought to retrieve the hard drive and download the footage from some other devices.

4. A careful perusal of the impugned order would indicate that some attempts were made by the Special Court to comply with the directions of this Court in Writ Petition No.1099/2019. However, finding that the data could not be retrieved because of some technical difficulty pointed out by the employees of the Computer Section of the District Court that the request of the petitioner to retrieve it by installing the hard drive in some other device was rejected.

5. Taking into account all the aforementioned facts and circumstances it would be appropriate to direct the Investigating Officer to trace out the person/the firm/vendor which installed the C.C.T.V. cameras and the connected paraphernalia at the concerned school and then to try to retrieve the data of the relevant period with his assistance in presence of Panchas.

6. With this direction, the Writ Petition is disposed of.

(MANGESH S. PATIL, J.)