

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

CRIMINAL WRIT PETITION NO. 889 OF 2021

Dinesh Chaturising Tilware ... Petitioner

Versus

The State of Maharashtra
and others

... Respondents

....

Mr. N.S. Ghanekar, Advocate for the Petitioner
Ms. Preeti V. Diggikar, A.P.P. for Respondents / State

....

**CORAM : V. K. JADHAV AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 12th AUGUST, 2021

PER COURT:-

1. Heard.
2. The petitioner is an accused in connection with crime no.290 of 2021 registered with Taluka Police Station, Jalna for the offences punishable under Sections 302, 324, 143,147, 148 149 of the Indian Penal Code. The petitioner has raised the defence of *alibi*. Even though investigation of crime no. 290 of 2021 is in progress, the brother of the petitioner namely Bharat Tilware has collected CCTV footage and submitted the same in a hard disk alongwith the petition. Learned counsel for the petitioner vehemently submitted that as per the said CCTV footage, the petitioner was not present on the spot at the time of the alleged incident and he was somewhere else. Thus, the petitioner is seeking directions to the respondents to

carry out proper investigation and also to investigate about presence of the petitioner on the date and time of the alleged incident.

3. We have carefully perused the copy of F.I.R. no. 290 of 2021. It appears that the said crime came to be registered on the basis of the complaint lodged by one Krushna Dipak Salle, who happens to be the son of the deceased. He is an eye witness to the incident. The petitioner claims his presence at some different place at the time of the incident on the basis of CCTV footage which seems to have been recorded in one Ekta Krida and Sanskutik Mandal, Badnapur.

4. We are of the considered opinion that it is for the petitioner to establish his defence of alibi, if so available during the course of trial. Since investigation of the said crime is going on, the brother of the petitioner is also entitled to submit the said CCTV footage to the Investigating Officer for which no specific directions are required.

5. In view of the same, we are not inclined to entertain this writ petition. Hence the following order:

ORDER

(i) The Criminal Writ Petition is hereby rejected.

[SHRIKANT D. KULKARNI]
JUDGE

[V. K. JADHAV]
JUDGE