

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.357 OF 2021

Dr. Reza Borhani Shidani

.... Petitioner

Versus

The State of Maharashtra and another

.... Respondents

....

Mr. P.M. Havnur, Advocate a/w. Sanjay Kharat, for the Petitioner.

Mrs. A.S. Pai, Public Prosecutor a/w. S.D. Shinde, APP for the Respondent-State.

....

**CORAM : NITIN JAMDAR AND
SARANG V. KOTWAL, JJ.**

DATE : 09 DECEMBER 2021

P.C.

The Petitioner has sought two reliefs – (i) to consider the representations of the Petitioner dated 4 November 2020 (Exhibit-B) and 13 November 2020 (Exhibit-D) and (ii) direction to the Respondent No.2 the Commissioner of Police, Mumbai to furnish C.D.R. and C.C.T.V. footage as specified in the petition.

2. The Petitioner had approached the learned Special Judge (NDPS), Greater Mumbai by filing an application below Exhibit-7 in Special Case No.462/2020, for the same relief. The learned Special Judge by order dated 7 November 2020 disposed of application Exhibit-7 and opined that at that stage it was not necessary to issue any direction and it was open to the Petitioner to make an application to the police.

3. The learned counsel for the Petitioner states that prior to this order and subsequently, the representations were made and are not being decided. The learned counsel for the Petitioner submits that if the police authorities refuse to accede to the request of supply of C.D.R. and the C.C.T.V. footage as sought for, the Petitioner can apply to the learned Special Judge. But, since no decision itself is being taken the Petitioner is left without any remedy.

4. The Petitioner has annexed copies of the representations at Exhibits-B and D to the Petition, wherein the Petitioner has asked for C.C.T.V. footage as specified therein. According to us, the representations which are pending needs to be decided. Accordingly we direct the Respondents to whom the representations are addressed, will take decision thereupon within a period of four weeks from today and communicate the decisions thereon to the Petitioner so that depending on the outcome of the same, the Petitioner can take further steps before the concerned Court.

5. We make it clear that we have not directed any particular course of action in these representations and only directed disposal of the same because the representations are pending for almost a year.

6. The Writ Petition is disposed of in above terms.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)

Deshmane (PS)

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DESHMANE

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Date: 2021.12.14
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