

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

**940 CRIMINAL WRIT PETITION NO.703 OF 2020
WITH APPLN/2018/2020 IN WP/703/2020**

**SANDIP S/O. EKNATH AMBHORE
VERSUS
THE STATE OF MAHARASHTRA**

Mr. A. S. Deshmukh, Advocate for the petitioner
Mr. S. W. Mundhe, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 14th DECEMBER, 2022

P. C.

1. Grievance of the petitioner is that he was accused in the Crime No. 176/2020 registered against him. He was called by the police on 09.00 am on 27-05-2020 and he was produced before the learned JMFC on 28-05-2020 at 12.45 pm. Thus in the submission of the learned advocate for the petitioner that he was in custody and was arrested at 09.00 am on 27-05-2020 and was produced after 24 hours before the court and thus the police have committed irregularities. His prayer therefore is to initiate appropriate action against the Investigation Officer of Nava Mondha Police Station, Parbhani. To facilitate this court to

come to a proper conclusion call CCTV footage. Since everything was revolving around CCTV footage of two days to ascertain whether he was really arrested or not. This court had issued direction to the authorities to produce on record the CCTV footage. When it was informed that CCTV footage is preserved only for 15 days. Now it is not possible to produce the same before this court. In view that by order this court had called for information about storage capacity, model of the CCTV footage etc. However, no affidavit was filed. It is only now the affidavit is filed on 13-12-2022 giving the details of the CCTV, model of the CCTV, storage capacity alongwith communication dated 31-12-2020 is annexed wherein Superintendent of Police, Parbhani had supplied the information that CCTV installed in Nava Mondha Police Station is of HikVision Company having storage capacity of 15 days only.

2. Thus, now one thing is clear that CCTV footage is not available and therefore, only thing is open to the court to go through the material that is available on record as on today so

as to come to a conclusion that whether the applicant was really arrested at 09.00 am on 27-05-2020 as alleged or he was arrested at some other time thereafter.

3. To come to conclusion now the material available on record is the order dated 16-06-2020 passed by the learned Chief Judicial Magistrate, Parbhani wherein he has recorded grievance of the petitioner that he was produced after completion of 24 hours before the learned Magistrate. The learned JMFC had perused the case diary and on the basis of that he recorded that the accused was interrogated from 09.00 am to 03.00 pm on 27-05-2020 and it is only at 04.32 pm accused came to be arrested and was further produced before the court on 28-05-2020 at 12.45 pm. It is also further observed that there was a recovery of weapon from the petitioner and same was seized. It is seen from the remand report that arrest is shown as 16.32 pm on 27-05-2020. Thus, today there is no material to show that the petitioner was in fact arrested at 09.00 am on 27-05-2020. The petitioner further made submission that he had given the application on 10-06-2020 itself to the

Superintendent of Police, Parbhani. He has clearly stated in the said application that he could have been immediately released on bail. He had requested to release him on bail. However, same was denied. In the said communication he has clearly requested to call for CCTV footage. This communication shows that there is endorsement of receipt by inward and outward section of the office of Superintendent of Police. He submits that in spite of this CCTV footage was not preserved. However, as on today no relief can be granted as prayed for by the petitioner. This court requests authorities to ensure that CCTV footage is preserved for long time so as to avoid further complications and loss of valuable evidence which would be necessary for the purpose of trial. At this stage learned APP invites my attention to the communication dated 10-12-2022 issued by the Superintendent of Police in respect of increasing the storage capacity of the CCTV footage for 1 year. It is expected that now onwards no such event would occur in future. With this criminal writ petition is disposed off.

[KISHORE C. SANT, J.]