

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3278 OF 2024****Ramrao Tukaram Patil****....Petitioner****V/s.****State of Maharashtra and Anr.****....Respondents**

Mr. Niranjan Mundargi *a/w Mr. Veerdhawal Deshmukh i/b Mahadji Phalke, for the Petitioner.*

Ms. Shilpa G. Talhar, *APP for Respondent-State.*

Mr. Amit Munde SPP *a/w Mr. Jai Vohra for CBI/ ACB Mumbai*

CORAM : SANDEEP V. MARNE, J.

Date : 20 SEPTEMBER 2024.

P.C. :

1) The Petition challenges order dated 14 July 2023 passed by the learned Special Judge, CBI, Greater Bombay by which application at Exhibit-265 filed by Petitioner-First Informant for permitting him to appear and depose before the Court through video recording facility has been rejected.

2) It appears that in Reply endorsed on the application at Exhibit-265 the learned Special Public Prosecutor for CBI had expressed 'no objection' for recording of deposition of the First Informant through video conferencing. However, it appears that during the course of hearing of the application, the learned

Special PP for CBI expressed difficulty for recording deposition through video conference mainly due to bulky records of the case.

3) Mr. Munde, the learned counsel appearing for Respondent – CBI, after taking instructions from his client, would submit that deposition of Petitioner-First Informant can be recorded through video conference mode. He would however submit that in the event there is any difficulty or ambiguity, the CBI be permitted to request the Court to secure physical presence of the first informant. In my view the suggestion appears to be fair.

4) Writ Petition is accordingly disposed of by permitting deposition of Petitioner-First Informant to be recorded through video conferencing facility. However, if at any point of time the prosecuting agency requires physical presence of the first informant, it is free to make a request to that effect before learned Special Judge.

5) In the event, physical presence of the first informant for recording deposition becomes necessary, the first informant would be at liberty to apply before the learned Special Judge for provision of witness protection.

[SANDEEP V. MARNE, J.]