

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1548 OF 2024

Sunil Vasant Jadhav ...Applicant

Versus

The State of Maharashtra ...Respondent

WITH
INTERIM APPLICATION NO.1848 OF 2024
IN
BAIL APPLICATION NO.1548 OF 2024

Vikas Sudam Aher ...Applicant

IN THE MATTER BETWEEN

Sunil Vasant Jadhav ...Petitioner

Versus

The State of Maharashtra ...Respondent

Mr. Kuldeep U. Nikam a.w Mr. Om N. Latpate & Mr. Samadhan Ghumare, for the Applicant in BA/1548/2024.
Mr. Pratik Kalantri, for the Intervenor in IA/1848/2024.
Ms. Veera Shinde, APP, for the Respondent–State.
Mr. Vishal Kshirsagar, Dy.S.P., present.

CORAM: MADHAV J. JAMDAR, J.
DATED: 03 JULY 2024

P. C.:

1. This Court passed following Order on 26th June 2024.

“1. This Court passed the following Order on 24th June 2024.

“1. On the last occasion, time was taken by Ms. Shinde, learned APP for the Respondent – State to produce video/audio recording recorded by one of the accused

which records the incident in question. Transcript panchanama is a part of the Charge-sheet from Page Nos. 92 to 100.

2. Today, Ms. Yadav, learned APP produced one pen drive containing said video/audio recording. However, same was in a sealed envelope, as recorded in the transcript panchanama dated 27.08.2023. The said sealed envelope containing video/audio recording is again handed over to the Investigating Officer by Ms. Yadav, learned APP. The Investigating Officer is directed to bring the said sealed envelope on 26.06.2024.

*3. Stand over to **26.06.2024 at 4.30 p. m.**”*

2. Although it is mentioned in the Order dated 24th June 2024 that the Investigating Officer was present in Court, however, the Police official present on the previous date of hearing was Mr. Harshavardhan Bahir, P.S.I. - Yeola Taluka Police Station, District-Nashik who is not the Investigating Officer in the present case.

3. It is also required to be noted that the Pen-Drive which has been brought in a sealed envelope to this Court is not the Pen-Drive which is part of the Charge-sheet as per the transcript *Panchanama* dated 27th August 2023 (Page Nos.92 to 100). A perusal of the transcript *Panchnama* reveals that a total of 5 video files have been retrieved from the 2 devices siezed from the Accused No.1 and Accused No.2. On instructions, Ms. Shinde, learned APP stated that the authorities made 3 sets of copies of the said 5 videos and that the Investigating Officer, the Trial Court, and the Directorate of Forensic Science Laboratories-Kalina, Mumbai each have 1 set of copy of the said 5 videos. The details of the said 5 videos as recorded in the said *Panchnama* are as follows:

Sr. No.	Audio-Video File Name	Duration
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1	VID_20230819_155817.MP4	20 Sec.
2	VID_20230819_155451.MP4	42 Sec.
3	VID_20230819_152516.MP4	58 Sec.
4	VID20230819153536	35 Sec.
5	VID20230819152411	1 Min. & 45 Sec.

4. In the presence of learned Counsel for the Applicant, Intervenor and learned APP, the Audio-Video files as contained in the said Pen-Drive have been played in Court. However, it is to be noted that although aforesaid transcript *Panchanama* refers to and records the existence of 5 Audio-Video files, and that the Pen-Drive which has been brought to the Court by Mr. Harshavardhan Bahir, P.S.I. - Yeola Taluka Police Station contains 5 files, yet only 4 out of 5 files in the said Pen-Drive have both Audio and Video whereas the remaining 1 file (duration 1 min. 45 sec.) has only audio and the video therein is not available/visible. The Video in this particular file is entirely missing and only the recorded Audio is audible.

5. Accordingly, the Investigating Officer is directed to bring the Pen-Drive containing all said 5 files with both the Audio and the Video.

6. In view of this position, Ms. Shinde, learned APP seeks one week time. The sealed envelope in which Pen-Drive was kept was opened in the Court and the said Pen-Drive has been kept back in the said envelope. Learned Sheristadar of this Court is directed to re-seal the same and handover the same to the learned APP.

7. Stand over to **3rd July 2024** at 4.30 p.m.”

2. Today, Mr. Vishal Kshirsagar. Dy.S.P, who is the Investigating

Officer is present in the Court. On instructions, Ms. Shinde, learned APP states that after the Order dated 26th June 2024 passed by this Court, immediately a letter is given to the Regional Forensic Science Laboratory, Nashik as the audio and video files mentioned in Order dated 26th June 2024 have been sent to the Forensic Science Laboratory. By letter dated 27th June 2024 of the Assistant Director, Regional Forensic Science Laboratory it has been informed to the Investigating Officer that 6 weeks time will be required for getting the report and also the said audio and video files. However, the present Application is a Bail Application concerning the liberty of the Applicant and therefore the Assistant Director of Regional Forensic Science Laboratory, State of Maharashtra, Home Department, Nashik is directed to give the report as well as the audio and video files on or before 20th July 2024.

3. Stand over to 22nd July 2024 at 4.30 p.m..

4. On the last occasion, a Pen-Drive has been brought in the Court in a sealed envelope. The said envelope was against directed to be re-sealed and the same was handed over to the learned APP. Learned APP is at liberty to handover the same in a sealed condition to the Investigating Officer. The Investigating Officer is directed to bring the same on the adjourned date.

[MADHAV J. JAMDAR, J.]