

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.2643 OF 2024
IN
CRIMINAL CONFIRMATION CASE NO.2 OF 2022

Bharatkumar Dhaniram Kori .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Ms. Rebecca Gonsalves a/w Chandni Chawla for the Applicant.
Mr. J.P. Yagnik, APP for the State.

CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 9th JULY, 2024

P.C:-

1 An application is moved for securing the copies of electronic evidence on behalf of the accused in the Confirmation Case No.2 of 2022.

We have heard Ms. Gonsalves, for the accused, who has taken out the application praying for supply of the copies of 5 CDs containing CCTV footage/video recordings in the Special POCSO case. On inquiring as to which 5 CDs are being referred to, the learned counsel would invite our attention to the 3 Exhibits marked through P.W. 13, the panch witness, being Exhibit 64, 65, and 66.

The aforesaid Exhibits are part of the memorandum panchanama of the accused, and it also include the statement of the accused referring to the spot of the incident and a video, where he handed over the undergarments of the girl and his own clothes. Since these CDs are exhibited, we permit the copies of Exhibit 64, 65 and 66 be obtained in presence of Registrar (Judicial).

2 As far as the other request of the learned counsel for providing the DVDs being forwarded for chemical analysis and in respect of which the report is obtained, since there is already an analysis of these DVDs on record through an expert, at this stage we do not deem it appropriate that the DVDs should be supplied to the accused. In any case, an application was preferred by the accused for demanding the CDs, and the same was allowed on 7/04/2022 and copies of all the CDs were received by the advocate for the accused. In addition, Mr. Yagnik has also invited our attention to the Roznama dated 18/04/2022, when the accused expressed his desire to view the CDs, which were handed over to him during trial. Accordingly, the CDs were called for and played in the Court on Laptop in presence of the accused, who told the Court that he was satisfied and thereafter when CDs were returned.

What is the effect of the CDs being shown at the fag-end of the trial, which is the argument of Ms. Gonsalves, that will be determined at the time when the Confirmation Appeal is being heard. In any case, since the Exhibits, which have already been forwarded for analysis can't be claimed by an accused by way of right, We restrict the direction only for permitting Exhibits 64 to 66, being collected from the record and proceedings, in presence of Registrar (Judicial) either by drawing it in a Pen-drive or any other mode for copying the same. The exercise shall be carried out within period of 24 hours from the date of receipt of the order.

Interim Application stands disposed off.

(MANJUSHA DESHPANDE,J)

(BHARATI DANGRE, J.)