



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1622 OF 2025

Pramod Prabhu Ghuge
Age: 46 Years, Occ: Medical Practitioner,
R/o: Icon Super Speciality Hospital,
Tal & Dist. Latur

..PETITIONER

VERSUS

State of Maharashtra
Through Police Inspector,
Shivaji Nagar Police Station,
Latur.

..RESPONDENTS

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Mr. R.S. Deshmukh, Senior Advocate a/w Mr.Sh.A.Patel and Ms V.B. Kakde,
Advocates i/b Mr. A.P. Avhad, Advocate for the petitioner
Mr. D.B. Bhange, A.P.P. for the respondent - State

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CORAM : ABHAY J. MANTRI, J.
DATE : 11th DECEMBER, 2025

ORAL JUDGMENT :

1. Heard. **Rule.** Rule is made returnable forthwith and heard finally with the consent of learned counsel for the parties, at the admission stage.
2. The petitioner, being aggrieved by the order dated 07th July, 2025, passed by the learned Additional Sessions Judge, Latur, below Exh. 49 in Sessions Case No. 59 of 2025, thereby rejected the application filed by the petitioner for calling the CCTV footage from the Sidcul Police Station, Haridwar, Uttarakhand with station diary from 22nd December, 2024 to 23rd December, 2024 along with station diary from Shivaji Nagar Police Station,

Latur for the period from 11th December, 2024 to 06th January, 2025, has filed the present petition.

3. The crux of the argument of learned Senior Counsel is that the petitioner was arrested on 22.12.2024 by the concerned police authorities, but it was shown that he was arrested on 23.12.2024 and physically assaulted. They have not produced the accused before the learned Chief Judicial Magistrate, Haridwar, within twenty-four hours, and thereby violated the petitioner's constitutional right and statutory safeguard guaranteed under Article 22(1) of the Constitution of India and under Section 47(1) of the Bharatiya Nagarik Suraksha Sanhita (for short, '**BNS**'). He further argued that the police prepared fabricated documents regarding the petitioner's arrest; therefore, the CCTV footage, police diary, and registers are crucial to ascertaining the truth and to establishing that the police authorities violated the petitioner's constitutional rights. Therefore, he contended that the impugned order is illegal and liable to be quashed and set aside, and that the concerned police authorities be directed to collect the CCTV footage in question.

4. Alternatively, he canvassed that the said CCTV footage is vital evidence and necessary for just and fair adjudication of the trial and if the same does not get available, then it would cause prejudice to the rights of the petitioner. He also took me through the application and the order passed by the learned Sessions Court, and submitted that the learned Sessions Court

erred in observing that it was not necessary to call for the CCTV footage or station diaries at this stage, and therefore, the application was rejected. The finding is incorrect; hence, he urged that the petition be allowed.

5. Having considered his contention and gone through the record, at the outset, it appears that the offence has been committed at Latur, and therefore, indeed, the CCTV footage, from SIDCUL Police Station, Haridwar, production of which the petitioner is seeking, is not relevant to the occurrence of the alleged incident/crime.

I would like to reproduce **Section 94** of the BNSS, which reads thus:-

“94. (1) Whenever any Court or any officer in charge of a police station considers that the production of any document, electronic communication, including communication devices, which is likely to contain digital evidence or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Sanhita by or before such Court or officer, such Court may issue a summons or such officer may, by a written order, either in physical form or in electronic form, require the person in whose possession or power such document or thing is believed to be, to attend and produce it, or to produce it, at the time and place stated in the summons or order.

(2) Any person required under this section merely to produce a document, or other thing, shall be deemed to have complied with the requisition if he causes such document or thing to be produced instead of attending personally to produce the same.

(3) Nothing in this section shall be deemed—

(a) to affect sections 129 and 130 of the Bharatiya Sakshya Adhiniyam, 2023 or the Bankers’ Books Evidence Act, 1891; or

(b) to apply to a letter, postcard, or other document or any parcel or thing in the custody of the postal authority.”

A Bare perusal of the above section reveals that Section 94 of BNSS can be invoked only at the instance of the Court or any officer in charge of the police station, who, in a given situation, may consider any document to be produced for the determination of the trial. *It was thus not open for the accused to invoke Section 94 of BNSS.* Undisputedly, the said document, which the petitioner is seeking the production of, is not necessary or desirable for the purpose of investigation, inquiry, or trial in the present case. On that ground alone, the application is liable to be rejected.

6. In paragraph no.5 of the impugned order, the learned Sessions Judge has categorically observed that the application filed by the petitioner under Section 94 of the BNSS for directing the police to produce the CCTV footage and station diary on record is not a necessary material for the purposes of investigation, inquiry, or trial. Therefore, I do not find any illegality or perversity in the impugned order in that regard.

7. Similarly, the learned Senior Counsel failed to satisfy this Court as to how the accused is entitled to file an application under Section 94 of the BNSS before the Court seeking a direction against the concerned authority to produce the document which is not relevant for the purposes of trial. Hence, I do not find substance in the contention of learned Senior Counsel in that regard.

8. Having considered the above, it appears that the order passed by the learned Additional Sessions Judge is just and proper. On the contrary, the

learned Senior Counsel failed to point out any illegality or perversity in the impugned order. Accordingly, I do not find merit in the petition. As a result, the petition, being bereft of merits, stands dismissed. The Rule is discharged.

Inform the learned Additional Sessions Court accordingly. No order as to costs.

(ABHAY J. MANTRI, J.)

SSD