



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION NO. 186 OF 2025
IN CRIMINAL WRIT PETITION NO. 427 OF 2025

(Prashant Narbadeshwarprasad Mishra Vs. Office of the Commissioner of Police, through
Commissioner of Police)

(Applicant – Ravinder s/o Zile Singh Singal)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. D.V. Chauhan, Government Pleader/Senior Counsel with
Mr. A.B. Badar, A.P.P. for the applicant.

.....

CORAM : ANIL L. PANSARE AND
M.M. NERLIKAR, JJ.
AUGUST 19, 2025

Mr. D.V. Chauhan, learned Government Pleader/Senior Counsel submits that copy of application was served to the petitioner. An affidavit of service is tendered across the bar. Taken on record.

2] By present application, the applicant – Commissioner of Police, Nagpur, who filed application in personal capacity, is seeking to delete paragraph 6 of order dated 31/7/2025 passed by this Court in Criminal Writ Petition No. 427/2025. The reason why such a prayer is made is that the Commissioner of Police was not made party in person, though the petitioner levelled allegations against him and was not given opportunity of hearing before passing the order that affects his right to contradict what has been alleged against him in personal capacity. Another limb of argument is that the Court granted relief to the petitioner, which was not even prayed for.

3] Thus, it is argued that the contents of paragraph 6 is something that could be said to be an order passed without there being prayer, and secondly, the order is passed without giving opportunity of hearing to the applicant.

4] Before taking up the issue, it will be appropriate to reproduce entire order passed by this Court on dated 31/7/2025 in Criminal Application No. 427/2025, which reads thus :

“Heard.

2. The petitioner intends to lodge a report against the Commissioner of Police, Nagpur for the alleged assault on him and his sister. By the present petition he has requested for supply of CCTV footage of the incident which had occurred on 29.04.2024. Thus, the petitioner intends to collect evidence, so that he can proceed against the Commissioner of Police, Nagpur.

3. The petition was initially listed before the Vacation Bench wherein a direction was given to preserve the CCTV footage, if available.

4. The petitioner has invited our attention to the judgment delivered by the Hon’ble Supreme Court in case of Paramvir Singh Saini .vrs. Baljit Singh (AIR 2021 SC 64), wherein the Hon’ble Supreme Court directed all Police Stations throughout India to install CCTV cameras having facility to record the footage for a period of 18 months.

5. That being so, the purpose of filing the present petition will be served if the respondent is directed to preserve the CCTV footage of the entire day i.e. 29.04.2024. Order accordingly.

6. The petitioner may approach the appropriate forum for redressal of his grievance, so far as it relates to lodging report against the Commissioner of Police for the alleged physical assault on the petitioner and his sister.

7. With aforesaid observations, Criminal Writ Petition is disposed of.”

5] As could be seen, the petitioner intends to lodge a report against the Commissioner of Police, Nagpur, for the alleged assault on him and his sister. The pleadings to that effect finds place in paragraph 11 of the petition. The relief that was sought by the petitioner was, however, to produce/supply copy of CCTV footage from the office of the Commissioner of Police of the incident, which allegedly occurred on 29/4/2024.

6] We found this prayer to be an attempt to collect evidence so that the petitioner can proceed against the Commissioner of Police, Nagpur. The petitioner relied upon the judgment of the Hon'ble Supreme Court in the case of *Paramvir Singh Saini Vs. Baljit Singh* [AIR 2021 SC 64], wherein the Court directed all the Police Stations throughout India to install CCTV cameras having facility to record footage for a period of eighteen months.

7] Considering the aforesaid ruling, and further considering the fact that prayer for lodging report against the Commissioner of Police, Nagpur, was not made, and since the request refers to collecting evidence, we thought it proper to direct the respondent – Commissioner of Police to preserve CCTV footage of the entire day, i.e., 29/4/2024. It is in this context that subsequent order was passed, by which the petitioner was given liberty to approach appropriate forum for redressal of his grievance, which relates to lodging report against the Commissioner of Police, Nagpur, for the alleged physical assault.

8] Thus, we have noted that by filing petition, the petitioner intends to collect evidence, which lies

within the domain of investigation and accordingly liberty was granted to the petitioner to approach appropriate forum.

9] In such circumstances, what has been noted in paragraph 6, in our view, cannot be said to be an order passed against the applicant. The contents of paragraph 6 is what is the position of law and, therefore, requires no personal hearing on this point. In any case, the Commissioner of Police, Nagpur, was party respondent and was duly heard before passing order. The argument that he should have been made party in person is farfetched and just a technical twist, carrying no substance at all.

10] Mr. D.V. Chauhan, learned Government Pleader/Senior Counsel has invited our attention to the judgment of the Hon'ble Supreme Court in the case of *Bharat Amratlal Kothari And Another Vs. Dosukhan Samadkhan Sindhi And Others [(2010) 1 SCC 234]*, wherein the Court held that normally, the Court will grant only those reliefs specifically prayed for by the petitioner, and further, that granting any relief not prayed for cannot be approved. The Supreme Court referred to yet another judgment in the case of *Om Prakash Vs. Ram Kumar [(1991) 1 SCC 441]*, wherein the Court held that a party cannot be granted a relief, which is not claimed if the circumstances of the case are such that granting of such relief would result in serious prejudice to the interested party and deprive him of valuable rights under the statute.

11] We find from this judgment that as such, there is no absolute bar in granting relief, which is not prayed, the relief, however, should be not such that would cause serious prejudice to the interested party and deprive him of valuable rights under the statute.

12] If the contents of paragraph 6 are read in the light of *Om Prakash's* case, we do not find that any prejudice will be caused to the applicant, more so, when we find that the contents of paragraph 6 is not an order against the applicant. Accordingly, we are not inclined to delete paragraph 6 of the order.

13] At this stage, Mr. D.V. Chauhan, learned Government Pleader/Senior Counsel submits that what has been noted in paragraph 6 is treated as binding order and that petitioner is treating so.

14] We find this submission to be surprising. The petitioner's perception will not decide the effect of finding. The fact remains that we have not issued any direction in the nature of order or otherwise. However, towards abundant precaution, we clarify that what has been noted in paragraph 6 is not a direction given to either party.

15] With the above clarification, the application is disposed of.

(JUDGE)

(JUDGE)

Sumit