



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

CRIMINAL APPLICATION (APPW) NO. 269 OF 2025

IN

CRIMINAL WRIT PETITION NO. 397 OF 2019

MOHIT S/O RAJKUMAR SHAHU

Vrs.

STATE OF MAHARASHTRA AND OTHERS

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri R. P. Joshi, Advocate for applicant.
Shri D. V. Chauhan, Senior Counsel and Government Pleader assisted
by Ms. Swati Kolhe, APP for respondent Nos.1 to 3.
Shri R. S. Nayak, Advocate for respondent Nos.4 to 6.
Shri Sameer Khan, Advocate for respondent Nos.4, 6, 7 and 8.

**CORAM: URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.**

DATE : 12/12/2025.

1. By this application, the applicant is seeking -

i] Calling of the CCTV footage from the Registrar (Judicial), which is kept in a safe custody as per the orders of this Court dated 07/08/2023, 11/08/2023 and 23/08/2023 and view the CCTV footage in the presence of the respective counsels in the Court or in the Chamber, during the course of final hearing of Criminal Writ Petition No.397/2019 in the facts and circumstances of the case and in the interest of justice.

ii] Direct, declare and hold that, as of right, the petitioner is entitled to rely on the electronic documents - CCTV footage and point out from the

said electronic documents - CCTV footage, during the course of the hearing of the instant Criminal Writ Petition No.397/2019, like pointing out from any other document, in the interest of justice.

iii] Decide the instant application first before any further hearing in the matter, in the interest of justice.

iv] Pass any other order and grant any other relief that may be found just and proper and expedient in favour of the petitioner, in the interest of justice.

2. As per the contention of the applicant, the main petition is being finally heard by this Court and during the course of the hearing on behalf of the counsel for the petitioner, it has been submitted and prayed that for the just and proper decision of the matter, it will be in the fitness of the things and in the interest of justice that the CCTV footages are viewed by the Court in the presence of the respective counsels.

3. It is further submitted that the CCTV footage is the document within the meaning of Section 61 of the Bharatiya Sakshya Adhiniyam, 2023 and therefore, it will be considered while deciding the present writ petition.

4. Learned counsel for the petitioner relied upon the catena of decisions in support of his contention.

5. The said application is strongly opposed by the State on the ground that it is the discretion of the Court and during the course of hearing of summary jurisdiction under Article 226 of the Constitution of India, the CCTV footage cannot be taken as a piece of evidence and therefore, the application is devoid of merits and liable to be rejected.

6. It is the further contention of the State that the said CCTV footages are always subject to their proof and establishment during the course of trial and therefore, without affording an opportunity to the prosecution or otherwise to demonstrate the authenticity of the CCTV footage merely by giving the same, the conclusion can be drawn about the presence or absence of the petitioner in the alleged incident. On that ground also, the application deserves to be rejected.

7. We have heard the learned counsel for both the parties. Perused the application as well as prayer in the writ petition. We have also gone through the catena of decisions relied upon by the learned counsel for the petitioner as well as the State.

8. In view of Section 61 of the Bharatiya Sakshya Adhiniyam, 2023 which deals with the electronic or digital record which says that nothing in this Adhiniyam shall apply to deny the admissibility of an electronic or digital record in the evidence on the ground that it is an electronic or digital record and such record

shall, subject to Section 63, have the same legal effect, validity and enforceability as other documents. Section 63 speaks about the admissibility of electronic record.

9. At this stage, we are not considering the admissibility of the electronic record. It is only to ascertain the truth, in the interest of justice.

10. We have considered the prayer of the petition, whether the CCTV footage would be an assistance to come to the conclusion while considering the writ petition filed by the petitioner.

11. Thus, after hearing the learned counsel for both the parties and in the interest of justice, without going into the merits of the application, the prayer to the extent of watching the CCTV footage deserves to be allowed.

12. The Prayer No.(i) is hereby partly allowed and therefore, we proceed to pass the following order :-

ORDER

i] Call for the CCTV footages from the Registrar (Judicial) where they are kept in a safe custody as per the orders of this Court and the Court will watch the CCTV footage in the chamber.

ii] The presence of the parties and their counsel is not required.

13. With the abovesaid observations, Criminal Application (APPW) No.269/2025 is disposed of.

14. The Pen Drive of CCTV footage and photographs be placed before us on **15/12/2025 at 4.30 p.m.** in the Chamber.

[NANDESH S. DESHPANDE, J.]

[URMILA JOSHI-PHALKE, J.]

Choulwar