

IN THE HIGH COURT OF BOMBAY AT GOA**LD-VC-CRI-11-2020**

Ramchandran Y.N.

.... Petitioner

Versus

State of Goa and anr.

.... Respondents.

Shri Ashish Swar, Advocate for the petitioner.

Shri Gaurish Nagvenkar, Additional Public Prosecutor for the respondents.

Coram : NUTAN D. SARDESSAI, J.**Date : 7th July, 2020**

P.C.:

Heard Shri Ashish Swar, learned Advocate for the petitioner, who contended that the order allowing the production of the CCTV footage was not in accordance with law inasmuch as the CCTV footage was not relied upon by the prosecution

alongwith the Chargesheet. It was his further contention that grave prejudice would be caused to the petitioner by production of the CCTV footage and as it was an attempt by the prosecution to fill up the lacuna. This was a fit case to allow the petition and the impugned order had to be quashed and set aside.

2. Shri G. Nagvenkar, learned Additional Public Prosecutor invited attention to the statement of the complainant from which it was amply demonstrated that although he had stated that he could not recollect the colour of the clothes worn by the accused/petitioner, nonetheless the same stood recorded in the CCTV footage available at the spot. It was therefore his case that there was no manipulation of the records nor any attempt by the prosecution to fill up the lacuna and it was a fit case to disallow the petition and dismiss the same.

3. i have considered the submissions of Shri A.Swar, learned Advocate for the applicant and Shri Gaurish Nagvenkar, learned Additional Public Prosecutor on behalf of the State. The statement of the complainant amply demonstrates that though he could not remember the colour of the clothes worn by the accused nonetheless, there was a clear statement at his instance that the

colour of the clothes was recorded in the CCTV camera which was available at the spot. Such being the position, it cannot be heard on behalf of the petitioner that there was an attempt by the prosecution to fill up the lacuna by seeking the leave of the Court to produce the CCTV footage in support of its case. As rightly observed by the learned Judicial Magistrate, there is ample scope for the petitioner to cross examine the complainant on that aspect of the matter and that no prejudice would be caused to the petitioner by the order of the learned Judicial Magistrate, First Class, allowing the production of the said document. Its non reliance alongwith the Chargesheet cannot be a ground to urge the petition to be allowed as the statement of the complainant has revealed that the colour of the clothes of the accused was available in the CCTV footage.

4. In my assessment, no prejudice whatsoever will be caused to the petitioner by the order passed by the learned Judicial Magistrate, First Class. In view thereof, no case whatsoever is made out for interference with the order passed by the learned Judicial Magistrate, First Class. As a result, the petition stands dismissed with no order as to costs.

5. Parties to appear before the learned Judicial Magistrate, First Class and cooperate with the conduct of the trial without seeking any adjournment in the matter since, an anxiety has been expressed by Shri A. Swar, learned Advocate for the petitioner, that the petitioner/accused is in custody since the last one year and a half and the trial is likely to be delayed on account of the production of the said document.

Nutan D. Sardesai, J.

MF/-