

ORDER BELOW EXH. 39
State Vs. Rahul & Anr.
(Dated 25.10.2024)

1. This is an application filed by the accused persons for want of copy of C.C.T.V. footage of the incident in the pen drive.
2. learned advocates Shri. P.B. Ghewande and Shri. S.U. Narode, for the accused persons submitted that investigating officer has produced the C.C.T.V. footage of incident in pen drive and deposited it in the Muddemal Property Room. However, the copy of the video of C.C.T.V footage has not been supplied to the accused persons. Therefore, it is requested by the learned advocates for the accused persons to provide them.
3. Learned APP Shri. A.S. Shelke for the state filed say on the said application and submitted that suitable order may kindly be passes in the interest of justice.
4. Admittedly, the prosecution side is relying on the video which has been saved in pen drive. It also appears that Pen drive has been deposited in the Muddemal Property Room. Evidence of first informant is partly recorded and is deferred for deciding this application. The question about the C.C.T.V. footage produced in the Court are yet to be asked. The learned advocates for the accused persons submitted that, at the time of recording evidence of first informant prosecution wants to show the video in the pen drive which covered the incident, for being

proved according to law. It is also noticeable that as per section 207 of the Code of Criminal Procedure, 1973, electronic evidence which has been saved in the pen drive has not been supplied to the accused persons. Therefore, in order to have fair trial, material saved in pen drive needs to be supplied to the accused persons so that they can raise proper defence while cross-examining first informant. It also appears that, video in the pen drive is not available to the prosecutor. Therefore, said video need to be supplied to the prosecutor. Therefore, the copies of C.C.T.V. footage in pen drive need to provide both the parties through employee of the Court who is expert in this work. In the result, upcoming order is passed,

ORDER

1. Application is allowed.
2. It is directed that pen drive which has been seized in the present case shall be called from the Property Room.
3. On the basis of seized pen drive, its true copies (in three numbers) shall be prepared through employee of the Court who is expert in this work, in presence of both the parties.
4. Both parties shall sign the closed envelop in which pen drive has been kept, before opening and at the time of closing it.
5. Video in the seized pen drive shall be given in the pen drive supplied by prosecution and defence side. In the other words, true copy of seized pen drive shall be prepared accurately and same shall be given

to the learned APP and accused persons.

6. Concerned expert is directed that original pen drive and its material shall not be damaged in any manner.
7. Above directions shall be complied on next date through the expert in Court and panchnama in that regard shall be prepared in the presence of both the parties. Said panchnama shall be produced on record.

Place: Deulgaon Raja
Date:- 25.10.2024

(Shweta S. Parihar)
Judicial Magistrate F. C.
Deulgaon Raja, Buldhana.

RCC No. 46/2022
State Vs. Rahul & Anr.

Rupesh Ashok Dandge,
Stenographer.