

Order Below Exh. 6
(Dated 04/10/2023)

1] This is an application filed on behalf of first informant u/s. 91 of the Cr.P.C.

2] Read the application and the say given by the accused and the prosecution.

3] It is submitted for the applicant/first informant that during the investigation, the Investigating Officer has not conducted the proper investigation. That there is CCTV footage collected by the Investigating Officer and one sharp edged weapon but he has not placed it on record. Initially, in the application, it was prayed to conduct the further investigation for collecting the CCTV footage and the sharp edged weapon, however, by pursis Exh.10, it is made clear that the Investigating Officer be directed to produce CCTV footage and sharp edged weapon.

4] The learned Advocate for the applicant/first informant relied upon the ratios held in the case of Harinarayan + 1 v/s. State of Maharashtra in Criminal Application no. 307 of 2019 and Kamal & Ors. V/s. State of Maharashtra in Criminal Appeal no. 973/2012, in support of his contention that the Investigating Office can be directed to produce the above said material on record as per the provisions of section 91 of Cr.P.C.

5] The learned Advocate for the applicant/first informant also placed on record the correspondence made by him with Superintendent of Police and the Police Inspector of Washim City police station.

6] The Investigating Officer has filed the say at Exh. 9 to the above said application, in which, it is mentioned that after completing the entire investigation the charge-sheet has been filed against the accused. So far as the prayer u/s. 91 of Cr.P.C. is concerned, it is stated that the Investigating Officer verified the footage of CCTV camera, in which, either accused or the deceased were not seen going towards Baba Mandir or returning therefrom. It is also stated that in the said CCTV footage, one person was seen doing something but it is not clear who was that person. It is further stated that it is not clear from the CCTV footage as to who is that person and what he has doing, therefore, the said CCTV footage was not filed in the charge-sheet. It is also stated that when the accused took the police to the spot for production of the weapon allegedly used by him while committing the offence. The accused produced the cutter in presence of the panch witnesses and it is seized in presence of panch witnesses. It is further stated that at the same time, one knife was also found. However, as the said knife has no concern with the alleged offence nor was it allegedly used by the accused, it is not seized.

7] It is submitted by the learned APP that in view of the reason given above by the Investigating Officer in the say Exh.9 no

purpose will be served by producing the CCTV footage or the knife as they are not useful to the prosecution.

8] Whatever may be the use of the above said articles but when it is alleged by the first informant that the CCTV footage and the knife are necessary, it can be stated that instead of directing the Investigating Officer to re-investigate the offence, at the most the Investigating Officer can be directed to file the said CCTV footage on record and to deposit the said knife alongwith the property which was already seized by him in this crime. Hence, in view of the provisions of section 91 of the Cr.P.C. and as per the ratios held in the case relied by the learned Advocate for the informant, the Investigation Officer is directed to produce the CCTV footage and to deposit the said knife in the Court.

Washim.
Date: 04/10/2023.

(Rajeev P. Pande)
Sessions Judge, Washim.

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/ Order are same word to word, as per the original judgment/order.

Name of Stenographer :- P.P. Karanjkar, Stenographer (Grade-I)

Name of Court :- Principal District & Sessions Judge,
Washim, Dist. Washim.

Date of Judgment/ Order :- 04/10/2023

Judgment/Order signed by :- 04/10/2023
the Presiding Officer on

Judgment/Order uploaded on :- 05/10/2023