



IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

8 CRIMINAL WRIT PETITION NO. 314 OF 2025

NIKHIL VILAS ALANDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

....
Advocate for the Petitioner : Mr. Ajeet B. Kale
APP for Respondents-State : Mr. N.R. Dayama
....

CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.

Dated : 21st March 2025

PER COURT :-

1. Issue notice to respondent Nos.1 to 7. Learned APP waives notice for respondent Nos.1 & 2. Notice of respondent Nos.3 to 7 is made returnable on 23.04.2025.

2. However, we are making it very clear that it is restricted to prayer clause 'A', 'C' and C-1'. Part of the relief under prayer clause 'B' is already covered under prayer clause 'A' and as regards direction to register the offence is concerned, we are guided by the law laid down in case of *Sakiri Vasu Vs. State of U.P. and Others, 2008 (2) SCC 409, Sudhir Bhaskar Tambe Vs. Hemant Yashwant Dhage, 2016 (6) SCC 277 and M. Subramaniam Vs. S. Janaki, 2020 (16) SCC 728.*

The petitioner is at liberty to take proper action and that cannot be considered in the present petition.

3. Now, prayer clause 'E' is in respect of direction to preserve CCTV Footage between 06.12.2023 to 07.12.2023. It can certainly be said that the petitioner is approaching late. The capacity of the storage cannot be so long and therefore, such direction cannot be issued.

4. Prayer clause 'H' says that respondent Nos.5 & 6 to disclose the names of the constables accompanied. In respect of this, if the petitioner is arraying respondent Nos.5 & 6 as an accused, no direction can be given to the accused to disclose anything either to disclose anything incriminating or incriminating another person. Further, that information can be sought by the petitioner by other means for which we should not use our constitutional powers. Therefore, prayer clause 'B', 'E' and 'H' stands rejected at the threshold.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE