



\$~87

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010407652026

+ **W.P.(CRL) 2639/2026 & CRL.M.A. 26754/2026**

BIMLA

.....Petitioner

Through: Mr. Puneet Jaiswal and Mr. Sandeep
Sehrawat, Advs.

versus

STATE OF NCT DELHI

.....Respondent

Through: Mr. Yasir Rauf Ansari, ASC with Mr.
Alok Sharma, Ms. Sonia Malhotra and
Ms. Pavitra Dixit, Advs.
SI Rakesh Kumar.

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

ORDER

%

01.09.2026

1. This hearing has been done through hybrid mode.
2. The present petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the 'BNSS') assails the order dated 23.07.2026 passed by the learned Trial Court in **SC No. 507/2025** arising out of **FIR No. 178/2025**, P.S. Uttam Nagar. By the impugned order, the learned Trial Court declined the prayer of the Petitioner for supply of a separate/cloned copy of the video stated to have been recorded by HC Geeta on 04.05.2025 through the E-Sakshya App.
3. Learned counsel for the Petitioner submits that the aforesaid recording



forms part of the prosecution material and pertains to the alleged recovery relied upon by the prosecution. It is submitted that mere viewing of the recording at the stage of examination of a prosecution witness would not afford sufficient opportunity to the Petitioner to effectively prepare her defence. The Petitioner, therefore, seeks an authenticated/cloned copy of the said recording. Reliance is placed upon ***P. Gopalkrishnan @ Dileep v. State of Kerala, (2020) 9 SCC 161.***

4. Learned ASC for the State opposes the petition and submits that the recording stands uploaded on the official E-Sakshya platform and, owing to the manner in which the platform operates and the security protocol governing the same, the recording cannot be downloaded and supplied on an external storage medium/device. Learned ASC, on instructions, further submits that the learned Trial Court has access to the recording through the official link and credentials and that the Petitioner can view and inspect the recording before the learned Trial Court.

5. Learned ASC further submits that the trial has substantially progressed and that, out of approximately 42 prosecution witnesses, 23 witnesses have already been examined. It is also submitted that the specific application seeking supply of a copy of the E-Sakshya recording came to be moved only on 23.07.2026.

6. This Court has heard learned counsel for the parties and perused the record.

7. A perusal of the impugned order shows that the video in question stands uploaded on the E-Sakshya App and that the certificate under Section 63 of the Bharatiya Sakshya Adhiniyam, 2023, in respect thereof forms part of the chargesheet. The learned Trial Court has further specifically observed that the



Petitioner would have an opportunity to see and examine the recording when the same is played before the Court. Thus, the present case is not one where access to the electronic record has been denied altogether.

8. The record further reflects that the Petitioner had earlier moved an application under Section 230 BNSS on 16.03.2026 seeking supply of documents stated to be unrelayed upon and not supplied to her. The said application was disposed of on 02.04.2026 after the Investigating Officer ('IO') stated before the learned Trial Court that, except for one specifically identified bank account statement of the Petitioner, the documents collected and statements of witnesses recorded during investigation had been filed along with the chargesheet. The specific application seeking supply of a copy of the present E-Sakshya recording was thereafter moved on 23.07.2026.

9. The fact that the trial has progressed and 23 prosecution witnesses are stated to have been examined cannot, by itself, defeat the Petitioner's right to meaningful access to material relied upon by the prosecution. At the same time, having regard to the stage of the trial, any further access or inspection is required to be regulated in a manner which adequately protects the right of the Petitioner to prepare her defence without causing avoidable delay in the proceedings.

10. There can be no dispute that an accused is entitled to a fair and meaningful opportunity to meet the case of the prosecution. In **P. Gopalkrishnan @ Dileep (supra)**, the Supreme Court held that an electronic record relied upon by the prosecution constitutes a "document" and that, ordinarily, a cloned copy thereof ought to be furnished to the accused to enable an effective defence. The Supreme Court, however, also recognised that where considerations relating to the privacy or identity of the



complainant/witness arise, the Court may regulate access to such material and permit inspection thereof subject to appropriate safeguards.

11. In the present case, the recording pertains to the alleged recovery of a minor child. The nature of the material, therefore, warrants due regard to the privacy and identity of the child. Learned ASC, on instructions, further submits that the recording is maintained on the official E-Sakshya platform, cannot be downloaded and supplied on an external storage medium/device, and is accessible to the learned Trial Court through the official access available with it. What is material is that access to the recording itself is not being denied to the Petitioner.

12. In these circumstances, this Court is of the view that the Petitioner's right to effectively examine the material and prepare her defence can be adequately protected by permitting her and her counsel reasonable opportunity to view and inspect the recording before the learned Trial Court. Such an arrangement appropriately balances the right of the Petitioner to meaningful access to material relied upon by the prosecution with the need to maintain controlled access to a recording concerning a minor child. The decision in ***P. Gopalkrishnan @ Dileep (supra)***, therefore, does not warrant interference with the impugned order in the facts of the present case.

13. Accordingly, the Petitioner shall be at liberty to approach the learned Trial Court for viewing/inspection of the aforesaid E-Sakshya recording. Upon such request being made, the learned Trial Court shall afford reasonable opportunity to the Petitioner and her counsel to view and inspect the recording through the official access available with the Court, subject to such safeguards as it may deem appropriate. Such inspection shall not entail downloading, copying or transfer of the recording onto any external storage medium/device.



The learned Trial Court shall regulate the inspection in a manner that does not cause avoidable delay in the trial.

14. The impugned order merely regulates the manner in which access to the electronic record is to be afforded during the course of the ongoing trial. Since access to the recording has not been denied and the Petitioner's right to inspect the same stands adequately protected by the directions aforesaid, this Court finds no patent illegality or prejudice warranting interference with the order dated 23.07.2026 in exercise of its writ or inherent jurisdiction.

15. The petition is, accordingly, dismissed, along with the pending application(s).

16. The order be uploaded on the website *forthwith*.

MADHU JAIN, J

SEPTEMBER 1, 2026/m