

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2582 OF 2015

ORDER:

1. This revision is filed by the petitioner-accused aggrieved over the order dated 25.8.2015 made in CrI.M.P.No.1256 of 2015 in C.C.No.350 of 2012 by the Additional Judicial First Class Magistrate, Anantapuram.
2. The petitioner-accused is facing trial in the above C.C. for the offence punishable under Section 138 of the Negotiable Instruments Act. When the matter was posted for defence evidence, the 2nd respondent-complainant filed the above CrI.M.P. seeking to receive the C.D., which discloses the conversation regarding the transaction between the petitioner and the 2nd respondent, as evidence on her behalf as it is crucial evidence to prove her case. The trial Court allowed the said petition. Aggrieved by the same, the present revision is filed.
3. Heard and perused the material available on record.
4. The learned Counsel for the petitioner after arguing for some time submitted that the trial Court may be directed to follow the procedure under Section 65-B of the Evidence Act while admitting the above C.D. as evidence.

5. It is pertinent to note that while admitting any conversation recorded in the electronic device, the Courts follow the procedure under Section 65-B of the Evidence Act strictly. Therefore, it is needless to observe that the trial Court should follow the procedure under Section 65-B of the Evidence Act while admitting the C.D. produced by the 2nd respondent as evidence.

6. Accordingly, the Criminal Revision Case is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 10.12.2015

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