

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 202 of 2015

Vijay Mahajan S/o Company Mahajan Aged About 20 Years Occupation Student, R/o Raigarh Road, Sarangarh, Tahsil Sarangarh, District Raigarh C.G.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Sarangarh, District Raigarh C.G.

---- Respondent

For Applicant	:	Shri T.K. Tiwari, Advocate
For Respondent/State	:	Shri Neeraj Sharma, Dy. Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/01/2016

1. This applicant has filed this revision aggrieved by order dated 28.2.2015 by which the Court below has rejected prayer for supply of copy of compact disk (C.D.) alleged to be contained the obscene material.
2. Learned counsel for the applicant submits that the C.D. has been prepared by the prosecution with an intention of being used as a documentary evidence in support of the case of the prosecution but when the application for supply of the same was made, stand has been taken that it is not a documentary evidence as such but an article produced by the prosecution.
3. Any information or material contained in the electronic form which included a pictorial representation under compact description is definitely a document within the meaning of expression as provided in Section 3 of the Evidence Act. If the prosecution intends to use as documentary evidence, the same is required to be supplied to the applicant. For the present, the prosecution has taken a different stand. Therefore, this revision is disposed off with a direction that if, as and when, prosecution intends to use the C.D.

as a documentary evidence or a material against the applicant by getting the same displayed, the applicant shall be entitled to a copy of the same before the same is proposed to be used in support of the case of the prosecution.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen