

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.1414 of 2016

ORDER

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The present criminal revision case is directed against the order dated 07.04.2016 passed in Crl.M.P.No.1563 of 2016 in M.C.No.31 of 2015 on the file of Additional Junior Civil Judge, Ponnur.

2. Heard and perused the material on record.

3. The first respondent herein filed M.C.No.31 of 2015 for grant of maintenance of Rs.15,000/- per month from the petitioner/husband. During the pendency of said MC., the petitioner filed the impugned application seeking to receive the C.D. and mark the same for comparison of voices of the petitioner and the respondent which were recorded on 25.08.2015 at about 10.15 AM. By the order impugned, the said application was dismissed by the trial Court. Challenging the same, the petitioner filed the present revision.

4. In the order impugned, the trial Court observed that the cell phone is a primary evidence and the conversation of voice in the said cell phone into C.D. is a secondary evidence, which requires certification in terms of Sec. 65B of the Indian Evidence Act and that since the petitioner did not produce any such certificate, the same cannot be admitted in evidence and therefore, there is no need to receive the same and dismissed the said application. As seen from the record, when the case was posted for cross-examination of P.W.2, the impugned application is filed. The petitioner has not even suggested to P.W.1 with regard to the

conversation in cell phone with her boyfriend Vinay. Considering the facts and circumstances of the case, this Court is of the view that the trial has rightly dismissed the impugned application and there is no need to interfere with by this Court. However, the petitioner is at liberty to approach the Court concerned after his examination, if he so desires.

With the above direction, the Criminal Revision Case is disposed of. Miscellaneous Petitions, if any, pending in this revision shall stand closed.

JUSTICE RAJA ELANGO

10th June, 2016

sj