

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.23503 of 2018
and CRL.M.P.No.13181 of 2018

Islamudeen

.. Petitioner

Vs

The State of Tamil Nadu,
Rep. by Inspector of Police,
E-2, Peelamedu Police Station,
Coimbatore.

.. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to set aside the order dated 06.09.2018 passed in
Crl.M.P.No.7999 of 2018 in C.C.No.70 of 2018 on the file of the
Judicial Magistrate No.VI, Coimbatore.

For Petitioner : Mr.Sugumar.R

For Respondent : Ms.M.Prabhavathi,
Additional Public Prosecutor

O R D E R

The petitioner is facing prosecution in C.C.No.70 of 2018
before the Judicial Magistrate No.VI, Coimbatore. While so,
during trial, the prosecution wanted to mark a compact disc
along with a certificate under Section 65 B of the Indian
Evidence Act (hereinafter referred to as 'the Act'). Therefore,
the prosecution filed Crl.M.P.No.7999 of 2018 in C.C.No.70 of
2018 under Section 65 B of the Act, which has been allowed by
the Trial Court, challenging which the accused is before this
Court.

2.Heard Mr.R.Sugumar, learned counsel for the
petitioner/accused No.1 and Ms.M.Prabhavathi, learned Additional
Public Prosecutor for respondent.

3.Mr.R.Sugumar submitted that the certificate issued under
Section 65 B of the Act does not confirm to the rules and
therefore, the order passed by the Trial Court has to be set
aside.

4.Per contra, the learned Additional Public Prosecutor refuted the contention.

5.This Court gave its anxious consideration to the rival submissions.

6.In the Indian Evidence Act, there is no format prescribed for issuance of the certificate. The certificate contemplated under Section 65 B of the Act is to ensure that the electronic record was not tampered with. An information in digital format will be stored in an electronic record and the same cannot be perceived by five senses. The information has to be translated into a paper record for the Court to perceive it. Therefore, this Court cannot set aside the impugned order on the ground that a certificate is not in conformity. As regards the appreciation of the evidence, it is always open to the petitioner to urge the same before the Trial Court since appreciation of evidence is in the domain of the Trial Court.

With the above observation, this petition is closed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

gsa
To

1.The Inspector of Police,
The State of Tamil Nadu,
Inspector of Police,
E-2, Peelamedu Police Station,
Coimbatore.

2.The Judicial Magistrate No.VI,
Coimbatore.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.N.Sugumaran, Advocate Sr.68520

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srg 12/10/2018