

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67829 of 2019

Arising Out of PS. Case No.-110 Year-2014 Thana- MOHANIYA District- Kaimur (Bhabua)

NANDA KUNWAR, Wife of Late Vijay Shankar Singh, Resident at - Ward
No. 7, Purana Petrol Pump Mohaniya, P.S. - Mohaniya, Distt - Kaimur
(Bhabhu)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pathak, Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 09-12-2019

Heard learned counsel for the parties.

By order dated 29.07.2019 passed in Sessions Trial No.
254 of 2014 arising out of Mohaniya P.S. Case No. 110 of 2014,
the learned 7th Additional Sessions Judge, Bhabua has marked, as
Ext. 11 and 11/1 with objection of the petitioner, two documents
which are photo copy/internet copy of the FSL report.

Learned counsel for the petitioner submits that both the
documents are forged documents. Moreover, the Evidence Act
permits only primary evidence of the document and in absence of
primary evidence, in certain circumstances, secondary evidence is
permissible. A photostat copy or internet copy cannot be a
secondary evidence.



Since objection of the petitioner has already been recorded, it would be a subject of argument at the time of final hearing as to what would be probative value of the photo copy/internet copy of the documents. If the original document has not been produced during trial, according to law, the trial court shall always go by the principle of best evidence.

With the aforesaid observation, this application stands disposed of since this Court is not inclined to interfere with the interlocutory order in a casual manner.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
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