

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1118 of 2017

- Pramod Kumar Sahu S/o Shri Mana Ram Sahu, Aged About 37 Years, R/o Podi Bahar, Korba, P. S. Rampur, Kotwali, Korba, Tahsil and District Korba, Chhattisgarh., Chhattisgarh

---- Applicant

Versus

1. Smt. Nandini Sahu W/o Pramod Kumar Sahu, Aged About 32 Years, R/o Adarsh Nagar, Pondi Bahar, Near Muktidham, Korba, Tahsil and District Korba, Chhattisgarh., Chhattisgarh
2. Ku. Arya Sahu, D/o Shri Pramod Kumar Sahu, Aged About 11 Years, Minor Through Natural Guardian Mother Smt. Nandini Sahu, R/o Adarsh Nagar, Pondi Bahar, Near Muktidham, Korba, Tahsil And District Korba, Chhattisgarh., District : Korba, Chhattisgarh
3. Vishnu Vaibhav Sahu, S/o Shri Pramod Kumar Sahu, Aged About 7 Years Minor Through Natural Guardian Mother Smt. Nandini Sahu, R/o Adarsh Nagar, Pondi Bahar, District : Korba, Chhattisgarh

----Non-applicants

For Applicant – Shri N.K. Chatterjee, Advocate.

For Non-applicants – Shri Brajesh Kumar Shukla, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

19-11-2019

1. This revision petition has been brought being aggrieved by the order passed by the learned Family Court Korba (C.G.) on 13-09-2017 in Case No.146/2015 by rejecting the application of the applicant praying for production of audio CD in evidence before the Court in proceeding under Section 125 of the Cr.P.C.
2. It is submitted that the applicant had made a prayer before the trial Court by filing an application that he has in his possession Audio CD in which the conversation of respondent/non-applicant with others has been recorded which may be allowed for production in evidence. The learned Family Court without mentioning any specific reason has dismissed the application stating that there is no such necessity. The order passed by the Family Court is arbitrary. Hence, it is prayed that the revision be allowed.
3. Learned counsel for the non-applicant opposes the petition and submits

that the learned Family Court has rightly rejected the application of the applicant as the evidence of Audio CD proposed to be produced before the Court was inadmissible in evidence.

4. Heard learned counsel for the parties and perused the documents.

5. Section 65B of the Indian Evidence Act provides that electronic evidence which includes Audio CD can be produced in evidence in Court subject to certification as required in Section 65B of the Indian Evidence Act. Therefore, in case the applicant is in a position to make certification as required, then he shall be at liberty to file repeat application in this respect making a prayer for producing electronic evidence in accordance with Section 65B of the Indian Evidence Act, which may be considered and disposed off in accordance with law by the learned Family Court. With these observations, the petition is disposed off.

The record of the family Court be remitted back to the same Court.

Sd/-

(Rajendra Chandra Singh Samant)
Judge