

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.456 OF 2020
(Harshal Vilasrao Marathe Vs. Mukesh Fakira Beldar)

Mr. Amit S. Savale, Advocate for the petitioner

CORAM : MANGESH S. PATIL, J.

DATE : 03.02.2021

PER COURT :

Heard the learned Advocate for the petitioner, who is a complainant before the Trial Court in a proceeding under Section 138 of the Negotiable Instruments Act.

2. During the course of recording deposition and in order to prove the accounts maintained in computerized form, the petitioner made a request alongwith a certificate as required under Section 65B of the Indian Evidence Act to produce it. The respondent raised an objection and by the impugned order, the Magistrate, holding that the certificate does not strictly conform to the requirement of Section 65B of the Evidence Act, allowed the objection.

3. The learned Advocate for the petitioner, on instructions, seeks leave to withdraw the Writ Petition with liberty to produce a fresh certificate under Section 65B of the Indian Evidence Act before the Trial Court .

4. The leave is granted. The Writ Petition is disposed of as withdrawn with liberty as prayed for. The Trial Court shall allow the petitioner to produce a fresh certificate and decide the objection afresh without being influenced by the earlier order, by extending opportunity to both the sides of being heard.

[MANGESH S. PATIL]
JUDGE

npj/CRIWP456-2020