

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.08.2021

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THE HONOURABLE Mr. JUSTICE G.CHANDRASEKHARAN

CRP. (PD) No.1724 of 2021

Yohisha

... Petitioner

Vs.

Sathish Kumar

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 24.03.2021 passed in I.A. No.1 of 2020 in H.M.O.P. No.106 of 2019 on the file of the order of learned Principal Subordinate Judge, Hosur and set aside the same and dismiss the I.A. No.1 of 2020.

For Petitioner : Mr. S.T.Raja

For Respondent : No appearance

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ORDER

This petition is filed to set aside the order passed in I.A. No.1 of 2020 in H.M.O.P. No.106 of 2019 on the file of the learned Principal Subordinate Judge, Hosur.

2. I.A. No.1 of 2020 was filed to receive the pen drive as an additional

document. It is seen from the petition filed in I.A. No.1 of 2020 that H.M.O.P. No.106 of 2019, was filed by the respondent seeking dissolution of marriage. It is the case of the respondent that he has recorded the conversation that had taken place between the petitioner and the respondent and that the conversation is necessary for proving his case. He transferred the said conversation to a pen drive through his laptop. Now, the respondent wanted to produce that pen drive as an electronic evidence to support his case. This petition was resisted by the petitioner. Learned Principal Subordinate Judge, Hosur, has considered the submissions and allowed the application. Against the said order, this present civil revision petition is preferred.

3. Learned counsel appearing for the petitioner submitted that an electronic evidence should be produced only after getting a certificate under Section 65 B of the Indian Evidence Act. Hence, he prays to set aside the order in I.A. No.1 of 2020.

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4. It is seen that the only objection to receive the pen drive which has the recording of the conversation between the petitioner and the respondent, is that it was sought to be produced without certificate under Section 65 B of the Indian Evidence Act. No doubt, the electronic evidence cannot be received

without a certificate under Section 65 B of the Indian Evidence Act. However, the certificate can be produced at the time of marking the electronic device.

5. In this view of the matter, this Court finds no reason to interfere with the order passed by the learned Principal Subordinate Judge, Hosur, in I.A. No.1 of 2020 in H.M.O.P. No.106 of 2019, dated 24.03.2021, and the same is confirmed. Learned Principal Subordinate Judge, Hosur, is directed to receive the pen drive which is an electronic evidence, only on production of necessary certificate under Section 65 B of the Indian Evidence Act. Accordingly, this civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

25.08.2021

Index: Yes / No
Speaking order / Non speaking order
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Copy To:

The Principal Subordinate Judge, Hosur

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G.CHANDRASEKHARAN. J.,

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