

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

919 CRIMINAL WRIT PETITION NO.1200 OF 2022

**M/S. DB STAR CORP LTD. AURANGABAD THROUGH ITS AUTHORISED
REPRESENTATIVE SACHIN DWARKADAS DHAGE
VERSUS
M/S SUMAN MEDIA SERVICES THROUGH ITS PROPRIETOR PAWANPAHADE**

Mr.H.H. Padalkar, Advocate for the petitioner.
Mr.V.G.Sakolkar, Advocate for sole respondent.

**CORAM : KISHORE C. SANT, J.
DATED : 05.01.2023**

PC :-

01. Heard both the sides. The challenge in this petition is to exhibiting of the documents which are copies taken out from the pen-drive through computer and printer. It is submission of the learned Advocate for the petitioner, who is original complainant in a case under section 138 of the Negotiable Instruments Act, that without a certificate under section 65-B of the Indian Evidence Act, the documents could not have been exhibited. Though he had raised objection at the time of examination-in-chief of the accused itself, still the learned Court below has considered the documents to be original and has allowed to exhibit those documents. He submits that these documents could not have been exhibited.

02. The learned Advocate for the respondent fairly concedes to the legal position that such documents ought to have been produced along with certificate under section 65-B of the Indian Evidence Act and prays that suitable orders be passed. He submits that his evidence is not yet over and he can produce evidence even now.

03. Considering that the documents which are printouts with the help of electronic device cannot be directly exhibited as original, unless certificate under section 65-B of the Evidence Act is produced along with said documents. Exhibiting of the documents without such certificate is certainly against the law laid down by the Apex Court in the case of Arjun Panditrao Khotkar Vs. Kailash Kushanrao Gorantyal, (2020) 7 SCC 1 and relied upon reported judgment by the Hon'ble Apex Court in the case of Ravinder Singh @ Kaku Vs. State Punjab, 2022 LivLaw (SC) 461.

04. The learned Advocate for the respondent at this stage submits that since his evidence is not over, he can still lead his evidence in respect of these documents in accordance with law and his liberty needs to be protected.

It is needless to say that the parties are at liberty to produce evidence in accordance with law.

05. The criminal writ petition is, therefore, allowed in terms of prayer clause (C) and disposed off.

[KISHORE C. SANT, J.]