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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 5889/2022, CRL.M.A. 23108/2022

ANJANEY TELEFILMS (P) LTD. AND ANOTHER Petitioners

Through: Mr. P. S. Singhal, Mr. Sunil Kumar
and Mr. Akansh Singhal, Advs.

versus

CHITRASHALA MULTI MEDIA (P) LTD. Respondent

Through: Dr. Vikrant Narayan Vasudeva, Mr.
Pratap Paliwal and Mr. Rohit Lochan,
Advs.

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+ CRL.M.C. 5890/2022, CRL.M.A. 23112/2022

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+ CRL.M.C. 5891/2022, CRL.M.A. 23114/2022

ANJANEY TELEFILMS PVT LTD AND ANOTHER Petitioners

Through: Mr. P. S. Singhal, Mr. Sunil Kumar
and Mr. Akansh Singhal, Advs.

versus

CHITRASHALA MULTI MEDIA PVT LTD. Respondent

Through: Dr. Vikrant Narayan Vasudeva, Mr.
Pratap Paliwal and Mr. Rohit Lochan,
Advs.

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Date of Decision: 4th July, 2023



CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA
J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. The present petitions have been filed challenging certain observations made by learned MM while recording the cross examination of the complainant on 24.09.2022.
2. Learned counsel for the petitioner submits that the learned Trial Court has wrongly disallowed the confrontation of the complainant with his application under Section 311 Cr. PC. Similarly, learned counsel submits that the learned Trial Court had also wrongly rejected the objections of the petitioner/accused on the ground that the e-mail being shown by the complainant/respondent on his mobile has been taken into account by the learned Trial Court without any certificate under Section 65 B Indian Evidence Act, 1972.
3. Learned Trial court made the following observations:

“(At this stage, the counsel for the accused has confronted para 2 of application w/s 311 Crpc and has confronted the facts so mentioned)

Court observation: The same is disallowed since application w/s 311 Crpc has already been decided and allowed.

The email dated 26.02.2014 was written by the accused Anupam Khalidhar in furtherance in his request that I should tally my



accounts and issue him a certificate so that the same can be deposited in his ITR. I have sent certificate to the accused.

It is correct that the email dated 26.02.2014 does not reflect any attach logo.

(At this stage, witness submits that he can access his email in his mobile. The same is seen by the undersigned. However the same is objected by the counsel on the ground that he has no opportunity to verify the mobile handset of the complainant including the email)

Court Observation: The same is been decided in favour of the complainat in view of the fact that witness has shown his mobile and the email II including the email dated 26.02.2014 which is reflecting in the gmail. It is also observed that an excel attatchment form be part of this email.”

4. It is submitted that the learned Trial Court may decide the objections raised by the petitioner-accused at the time of final disposal in accordance with the law.
5. Learned counsel for the respondent submits that he would have no objections are decided at the time of final decision.
6. In view of the submissions, the following Court observations;

“(At this stage, the counsel for the accused has cofronted para 2 of application w/s 311 Crpc and has confronted the facts so mentioned)

Court observation: The same is disallowed since appalication w/s



311 Crpc has already been decided and allowed.

The email dated 26.02.2014 was written by the accused Anupam Kalidhar in furtherance in his request that I should tally my accounts and issue him a certificate so that the same can be deposited in his ITR. I have sent certificate to the accused.

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are set aside and the learned Trial Court shall give its finding after the appreciation of the evidence in accordance with law.

7. It is relevant to note that, admittedly the certificate under Section 65 B has been filed by the respondent/complainant.
8. With these observations the present petitions bearing CRL.M.C. 5889/2022, CRL.M.C. 5890/2022 and CRL.M.C. 5891/2022 along with pending applications stands disposed of. However, it is made



clear that this court has gone into the merits of the case and no expression made herein shall tantamount to be an expression on the merits of the case.

DINESH KUMAR SHARMA, J

JULY 4, 2023

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