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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2024

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

CrI.O.P(MD)No.3376 of 2023

and

CrI.M.P(MD)No.3067 of 2023

Dineshkumar

... Petitioner

Vs

1. Dharani

2. Minor Luck Sithsaran

(Minor second respondent is represented through
his Guardian/mother first respondent).

... Respondents

PRAYER: Criminal Original petitions have been filed under Sections 439 (1) (b) of the Code of Criminal Procedure, to call for the records related to the Impugned Order in Cr.MP.No.1082/2022 in MC.No.42/2021 on the file of the learned Family Court, Ramanathapuram dated 08/11/2022 and set aside the same.

For Petitioner : Mr.M/s.Karthikeyan S,

For Respondents :Mr.J.Bharath



ORDER

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This criminal original petition has been filed challenging the proceedings of the Family Court, Ramanathapuram in Cr.M.P.No.1082 of 2022, dated 08.11.2022 dismissing the application filed by the petitioner to reopen the evidence of the petitioner, who was examined as witness R.W.1 for marking 65-B certificate.

2.Heard the learned Counsel appearing on either side.

3.The respondents filed maintenance case as against the petitioner under Section 125 of Cr.P.C. The petitioner examined himself as R.W.1. The petitioner filed an application in Cr.M.P.No.1082 of 2022 to reopen the evidence on the ground that the petitioner did not mark Section 65-B certificate mandated under the Indian Evidence Act. The Court below has dismissed this application mainly on the ground that the petitioner is trying to prolong the case after the examination of the witnesses was already completed and the case was at the stage of final hearing.

4.In the considered view of this Court, Section 14 of the Family Courts Act, 1984, makes it very clear that the Family Courts can receive as



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evidence any document or any statement or any information which in its opinion will assist the Court to deal effectually with the dispute, whether or not the same would be otherwise relevant or admissible under the Indian Evidence Act 1972. Thus, the Indian Evidence Act will not strictly apply to proceedings before the Family Court. If that is the case, there is no requirement for filing certificate under Section 65-B of Indian Evidence Act to rely upon electronic records marked on the side of the petitioner. In such a case, there is no need to recall the petitioner.

5. In the light of the above discussion, the order passed by the Court below does not require interference of this Court.

6. Accordingly, this criminal original petition stands disposed of with a direction to the Family Court, Ramanathapuram to dispose of the case in M.C.No.42 of 2021, within a period of eight weeks, from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed.

18.11.2024

Internet : Yes
Index : Yes/No
NCC : Yes/No
LR



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1. The Family Court, Ramanathapuram.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH, J.

LR

Crl.O.P(MD)No.3376 of 2023

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