



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.5359 OF 2025**

Bidyut Prabin Ranjan Basu	...	Petitioner
versus		
State of Maharashtra and Anr.	...	Respondents

Mrs. Prabha Badadare, for Petitioner.
Mr. Kiran Shinde, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 17 OCTOBER 2025

P.C.

1. Heard the learned Counsel for the Petitioner.
2. A limited grievance in this Petition is to decide the objection raised by the Petitioner – accused to the admissibility of the electronic evidence in the Special Case No.97 of 2019 wherein the Petitioner is facing prosecution for the offences punishable under Sections 4, 8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012.
3. The Petitioner had filed an objection on 15 September 2025. Learned Special Judge had passed an order “seen and filed”. When the Petitioner raised an objection in the course of the examination in chief of P.W.4, the learned Special Judge has observed that the said objection in writing can be considered at the stage of final decision.
4. If the objection to the admissibility of the evidence is in regard to the mode of proof, it is required to be decided by the learned Special Judge

before the evidence is admitted. (see **Hemendra Rasiklal Ghia, etc. V/s. Subodh Mody, etc.**)¹

5. It would, therefore, be expedient that the learned Special Judge decides the said objection (Exh.53) and passes a brief reasoned order on the said application before the prosecution is permitted to adduce evidence in regard to the said electronic evidence.

6. The Court is informed that the trial is now scheduled on 15 December 2025.

7. Learned Special Judge is requested to hear and decide the objection (Exh.53) and pass an appropriate order thereon in accordance with law.

8. Subject to the aforesaid clarification, the Writ Petition stands disposed.

(N.J.JAMADAR, J.)

1 2008(5) CTC 577 (FB)