



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No.6934/2025

Neha V Vaibhav

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. K.J. Topale, Advocate for petitioner.
Mr. A.R. Deshpande, Advocate for respondent.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 12-12-2025.

Heard learned Counsel for the petitioner as well as learned Counsel for respondent.

2. By this petition, the petitioner wife has challenged order dated 17-10-2025 passed by the Court of Civil Judge, Senior Division, Wardha on an application filed by the wife for direction to the husband to produce original storage media in connection with the videos in the list at Exhibit-67.

3. The controversy arises out of the petition for divorce filed by the husband before the Court of Civil Judge, Senior Division, Wardha. At the stage of evidence of the parties, wife has filed an application for direction to the husband to produce original storage media with respect to three videos which are produced on record by way of a pen drive. It is the wife's contention that the three videos are part of series of other videos which are recorded in a storage media i.e hard drive from the camera which was installed in the general hall of their house where certain conversations were recorded. By way of the said application, the wife contended that she had doubt about authenticity of the said electronic evidence regarding its time and continuity and for the purpose

of ascertaining the authenticity, the entire videos from hard drive be directed to be produced before the Court.

4. The application was strongly opposed by the husband and by order dated 17-10-2025 the trial Court has rejected the application by mainly observing that the certificates under Section 65B of the Indian Evidence Act i.e under Section 63(4)(c) of the Bhartiya Sakshya Adhiniyam, 2023, are already produced on record and therefore for proving the admissibility of the said document there is no need to issue any directions to produce the hard drive.

5. Learned Counsel for the petitioner assailed the said order and submitted that the videos are part of series of other videos which are all stored in the hard drive and for the purpose of establishing its authenticity, the hard drive need to be directed to be produced on record. In support of his submissions he relies on provisions of Order 14 Rule 11 r/w Section 151 of the Code of Civil Procedure and submitted that the hard drive is in possession of the husband and it needs to be produced for enabling the wife to verify its authenticity.

6. As against this learned Counsel for the respondent submitted that the certificates under Section 63(4)(c) of the Bhartiya Sakshya Adhiniyam, submitted by the husband and also the certificate of forensic expert, are already on record and the admissibility of the document need not be separately proved in view of provisions of Section 64(4)(c) of the Bhartiya Sakshya Adhiniyam. In support of his submissions he relies on judgment of Hon'ble Supreme Court in the matter of *Sonu alias Amar vs State of Haryana*, reported in *AIR 2017 SC 3441* and judgment of

Division Bench in the matter of Atul s/o Anantrao Kate vs State of Maharashtra, reported in 2022 ALL MR (Cri) 2396. By pointing out the legal position he submits that in the wake of certificate under Section 63(4)(c) of the Bhartiya Sakshya Adhiniyam, the videos placed on record are admissible in evidence.

7. While considering the controversy it has to be seen that there is no dispute that three videos are filed on record by way of a pen drive. Parties do not dispute that the videos are part of other videos all of which are recorded in one hard drive. Pertinently, learned Counsel for respondent submits that the technique of recording videos in the hard disk is by automatic splitting of the multiple files.

8. Although learned counsel for respondent submitted that the transcription of the conversation is already filed on record, however, the authenticity of the three videos which are part of series of videos will have to be tested even if the transcript is on record. The fact remains that the videos which are produced are part of series of other files. There is no dispute by the respondent that the original storage media i.e hard drive is in the custody of the husband.

9. Having regard to the controversy involved particularly considering the fact that three videos are part of series of other videos which are recorded in the hard drive, I am of the opinion that in the interest of justice the husband need to be directed to produce on record the hard drive so that parties would get an opportunity to test its authenticity.

10. The impugned order passed by the trial Court, by only considering the effect of certificate under Section 63(4)(c) of the Bhartiya Sakshya Adhiniyam deserves to be quashed and set aside. Considering the controversy involved, the impugned order needs to be interfered. Hence, I pass the following order :-

(a) Order dated 17-10-2025 passed by the trial Court on application at exhibit-107 in H.M.P No.617/2024 is quashed and set aside.

(b) Application filed by the wife at Exhibit-107 in HMP No.617/2024 is allowed.

(c) Respondent husband is directed to produce the original hard disk before the trial Court on next date.

(d) It is directed that after the hard drive is produced before the Court, the same be opened and played with the assistance of an expert to avoid any kind of tampering or its misuse.

(e) It is also clarified that the parties are directed to restrict their grievances with respect to the controversy raised in their respective pleadings related to the three videos.

11. In view of this, writ petition is allowed and disposed of.

(Prafulla S. Khubalkar, J.)