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

+ CRL.M.C. 1325/2019

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.....Petitioner

Through: Mr. Rakesh Tiku, Senior Advocate
with Mr. Monu Kumar, Ms. Kiran
Singh and Ms. Anju Anil, Advocates.

versus

STATE & ANR.

.....Respondents

Through: Mr. Hemant Mehla, APP for the
State.
SI Satish Kumar, PS: Lajpat Nagar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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13.08.2025

1. The present petition filed under Section 482 of the Code of Criminal Procedure, 1973¹ is directed against two orders, one dated 20th July, 2018, and the other dated 14th November, 2018, passed by the Additional Sessions Judge (Special Fast Track Court), South East District, Saket Courts, New Delhi, in Sessions Case No. 2461/2016 titled ***State v. Anshuman Arora***.

2. Before advertng to the impugned orders, a brief factual background:

2.1. The Petitioner is the Complainant/Prosecutrix in FIR No. 171/2016 dated 4th March, 2016, registered at P.S. Lajpat Nagar, Delhi under Sections 376 and 506 of the Indian Penal Code, 1860². Upon completion of

¹ "CrPC"

² "IPC"



investigation, a chargesheet was filed and the matter is presently at the stage of trial.

2.2. During trial, while PW-1 (the Petitioner) was under cross-examination, Respondent No. 2 sought to confront her with a recorded conversation between her and one Ms. Ridhima Sethi. In that context, the Trial Court passed the following order dated 20th July, 2018:

“PW1 prosecutrix is partly cross examined. Her further cross examination is deferred at the request of Ld. Counsel for accused as she wants to put the recorded conversations between the prosecutrix and Ridhima Sethi to her before confronting her with the conversations. The accused undertakes to supply the transcript of the conversations to the prosecutrix and the State two weeks before the next date of hearing.

Matter be listed for PE on 20.09.2018.

Accused is directed to make arrangements for playing of recorded conversation in the court on the next date of hearing.

Prosecutrix is bound down for the date fixed.”

[Emphasis Supplied]

2.3. Subsequently, on 14th November, 2018, the Court passed the following order:

“Prosecutrix is present. It is stated by counsel for accused that main counsel is busy in High Court and cannot appear today. At request of counsel for accused, prosecutrix is discharged unexamined.

It is stated by counsel for accused that they have supplied the transcript of the conversation to the prosecutrix. Prosecutrix submits that she has received the transcript without the CD of the conversation and as such, she does not know if it is the complete set of the conversation or not and the CD be also supplied to her. The accused is directed to supply the recording to the prosecutrix within two days. It is stated by Ld. Counsel for the accused that he does not press the application filed on the last date of hearing as the same was not required. At his request, the application is disposed of being not pressed.

Matter be listed for PE on 16.01.2019.”

3. Mr. Rakesh Tikku, senior counsel for the Petitioner, submits that the Trial Court failed to consider that the alleged conversation sought to be put



to the Petitioner, in cross-examination, was not recorded by Respondent No.2 himself but by his friend, Ms. Ridhima Sethi. It is urged that no certificate under Section 65B of the Indian Evidence Act, 1872 has been issued by Ms. Sethi attesting to the genuineness and authenticity of the recording. Reliance is placed on the judgment of the Supreme Court in *Anvar P.V. v. P.K. Basheer & Ors*³, wherein it was categorically held that electronic evidence is inadmissible unless accompanied by the requisite certification. In the absence of such certification, it is argued, the Prosecutrix cannot be confronted with what amounts to secondary electronic evidence.

4. In the opinion of this Court, the impugned orders do not rule on the objections raised by the Petitioner. The matter is at the stage of trial, and the Trial Court is fully empowered to rule on the admissibility, authenticity, relevance and evidentiary value of any material sought to be confronted to a witness. Questions relating to compliance with Section 65B of the Evidence Act, and whether a recorded conversation without the requisite certification can be relied upon, are all matters to be examined and determined by the Trial Court at the appropriate stage. The law is well settled that the High Court, in exercise of its inherent jurisdiction under Section 482 of CrPC, does not ordinarily intervene to pre-empt the Trial Court's discretion in ruling on admissibility or relevance of evidence. It would, therefore, not be proper for this Court, in exercise of its inherent jurisdiction, to enter upon an enquiry as to admissibility or relevance of the documents or materials at this stage.

5. In view thereof, no intervention of this Court is necessary; all rights and contentions of the parties are kept open, to be urged before the Trial

³ (2014) 10 SCC 473



Court at the appropriate stage. This Court has not expressed any opinion on the merits of the rival claims or on the objections raised by the Petitioner regarding the alleged recording(s). All such issues shall be considered by the Trial Court in accordance with law.

6. In light of the above observations, Mr. Tiku, submits that the Petitioner wishes to withdraw the present petition, while reserving all rights and contentions to be urged before the Trial Court at the appropriate stage.

7. The petition is accordingly dismissed as withdrawn, with liberty as prayed for.

SANJEEV NARULA, J

AUGUST 13, 2025/d.negi