



CrPC S. 156(3) - Evidence Act, S. 65B - CD placed without certificate before the trial court - Admissibility - Admissibility of the CD would come only during the trial and not before it is tendered into evidence (2023-2)210 PLRIJ 004

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Sudhir v. State of Maharashtra, **(2023-2)210 PLRIJ 004 (Bom.)**

The case involves a CD that was placed before the trial court without a certificate under Section 65B of the Indian [evidence](#) Act in proceedings u/s 156(3).

The JMFC refused to pass an order for viewing the CD or any other material.

Plea the court is not accepting the document as proof in the trial or adjudicating any issues with its help. The CD is only being used to ascertain whether a case is made out to issue directions under Section 156(3) of the Cr.P.C.

The question of admissibility of the CD would come only during the trial and not before it is tendered into evidence.

The objection is only to viewing the CD by the Revisional Court.

The Sessions Judge has rightly held that there is no bar to look into the documents and has permitted the respondent to display the video recording.

Criminal Procedure Code, 1973 (II of 1974) S. 156(3) - Evidence Act, S. 65B - CD placed without certificate before the trial court - JMFC refused to pass an order - Whether for viewing CD or any other material, whether certificate under section 65B of the Indian Evidence Act is necessary? - At this stage the Court is not accepting the said document as a proof in the trial and is also not adjudicating upon any of the issues or the points with the help of such a document - It is only for the purpose of ascertaining as to whether case is made out to issue directions under S. 156(3)- Assuming that the Court takes cognizance by rejecting the prayer for directions under S. 156(3) of the Cr.P.C. and direct police to make an inquiry under S. 202 of the Cr.P.C., still stage of trial is yet to come - The question of admissibility of offence would come only in the Trial and not any time before such document is tendered into evidence and sought to be proved by the prosecution or the parties to the proceedings - Therefore, the question of expecting a certificate under section 65B of the Indian Evidence Act itself does not arise at this stage.

Held, Court finds only that a [revision](#) is pending before the Sessions Court against order passed by the learned JMFC refusing to pass order under section 156(3) of the Cr.P.C. The objection is only to viewing of the CD by the Revisional Court. The learned Sessions Judge has rightly held that there is no bar to look into the documents and has rightly rejected the application and permitted the respondent to display the video recording.

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