

C.C. No. 1520/2025

ORDER AT EXH. 08

1. This application has been moved by the complainant praying that summons/notices be permitted to be served upon the accused through WhatsApp mode, on the ground that the accused is avoiding ordinary service. The complainant has filed an affidavit along with the application stating that the WhatsApp numbers of the accused are 9328750636 and 9327737907, and that WhatsApp is active on both numbers, and the accused is regularly using the same.
2. Considering the purpose of service of summons, which is to ensure actual knowledge of the proceedings to the accused, and considering the growing recognition of electronic service as a valid mode, this Court finds that service through electronic communication is permissible under law.
3. The proviso to Section 64(2) read with Section 70(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023 specifically provides that summons bearing the image of the Court's seal may also be served by electronic communication, in such form and manner as may be prescribed by the State Government by rules. Therefore, keeping in view the said statutory provision, and also considering the directions issued by the Hon'ble Supreme Court permitting service through electronic modes, this Court deems it proper to allow the present application, in the interest of justice. Hence, this Court hereby passes the following order: -

FINAL ORDER

1. Accordingly, the application is allowed subject to proof that the said mobile numbers belong to and are being used by the accused. The complainant is permitted to serve the accused through WhatsApp on mobile numbers: 9328750636 & 9327737907.
2. The summons bearing the image of the seal of the Court and signature shall be scanned and forwarded in PDF format through WhatsApp. The complainant shall file on record: (i) screenshot/printout reflecting delivery/read status (double tick/blue tick), and (ii) a certificate as required under Section 63 of the Bharatiya Sakshya Adhiniyam, 2023, certifying the authenticity of the said electronic record.
3. If WhatsApp service is not successful, the complainant shall mention the status on the next date and the Court shall proceed for alternative mode of service.

Pronounced in open Court on this 11th day of February, 2026.

Date- 11/02/2026

Place- Una

(Mr. Neeraj Kumar Yadav)
2nd Additional Chief Judicial Magistrate
Una Ta. Una District Gir Somnath
GJ 01409