

MHSI030000382026



Reg. Criminal Case No.
01/2026

State
Vs
Vishnu Bandekar & Ors.

Order below Exh. 37

Perused the application, say of accused thereon, entire record before me. Heard both parties at length.

2. Present application has been filed by the prosecution for permission to file certificates under Section 63(4)(c) of Bharatiya Saksha Adhiniyam issued by the informant Raghunath Jagannath Save and ASI Nilesh Parab. As per the prosecution, those certificates are important, therefore, their production be allowed.

3. The accused No.1 opposed the application it is filed as the belated stage, certificates are false and fabricated one.

4. The accused No.2 opposed the application by filing say at Exh.44. According to him, Hon'ble Supreme Court in case of Arjun Khotkar v/s Kailas Gorantyal has held that certificate u/s 65-B(4) is a condition precedent to admissibility of electronic evidence and such certificate must ordinarily accompany the electronic record when it is produced in evidence. The screenshot seizure panchnama

was conducted on 27/11/2025, the I.O. ought to have filed certificate u/s 63(4)(c) of BSA along with the alleged electronic record during investigation itself, but, is being filed at belated stage. Screenshot in issue has no concern with him, they are not supported by any hash value certification, mirror imaging process or any other independent technical validation to establish their genuineness. There is no material to establish technical competence, expertise or authority of the author of the certificate in relation to preservation, extraction, verification or authentication of electronic evidence in issue. In absence of strict statutory compliance of the provision of section 63(4)(c) of BSA, documents sought to be produced are inadmissible. On these grounds, he prayed for rejection of the application.

5. By this application, the prosecution is seeking permission to file certificates under Section 63(4)(c) of Bharatiya Saksha Adhiniyam issued by the informant Raghunath Jagannath Save and ASI Nilesh Parab for proving contents of electronic record by secondary evidence. It is settled law that a computer print out/output is not admissible unless it is coupled with certificate under Section 65B(4) of Indian Evidence Act (under Section 63(4)(c) of Bharatiya Saksha Adhiniyam). Further, it is held by Hon'ble Supreme Court in case of Arjun Khotkar V/s. Kailash Gorantyal and Ors. MANU/SC/0521/2020 that

such certificate is a precondition for the admission of electronic record if it is secondary one and concerned person can be compelled by the Court to produce the certificate. In view of this legal position, I hold that though electronic evidence in issue is not accompanied by certificate u/s 63(4)(c), the prosecution can very well produce them at this stage. Therefore, permission to file those certificate has to be granted in the interest of justice. Needless to say that, question whether those certificates are as per Section 63(4)(c) of Bharatiya Saksha Adhinyam or not will be decided at the time of deciding admissibility of electronic evidence in issue.

6. In the light of above discussion, I have come to the conclusion that present application deserves to be allowed. In the result, following order.

ORDER

- i. The application is allowed.
- ii. Production of certificates is allowed as prayed.

Oros.
Dated : 19/05/2026.

(**A. G. Deshingkar**)
Addl. Chief Judicial Magistrate,
Sindhudurg-Oros.