

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**Cr. MMO No. 127 of 2026****Reserved on: 5.3.2026****Date of Decision: 23.3.2026.**

Anita Devi**.... Petitioner****Versus****State of HP & ors.****.... Respondents**

Coram***Hon'ble Mr Justice Rakesh Kainthla, Judge.******Whether approved for reporting?¹ No.*****For the Petitioner : Mr Rajesh Kumar Parmar, Advocate.****For Respondent No.1 : Mr Ajit Sharma, Deputy Advocate General.**

Rakesh Kainthla, Judge

The petitioner has filed the present petition for setting aside/modification of the order dated 2.2.2026, passed by the learned Special Judge (SC & ST Act), District Hamirpur, HP, in Cr.MA No.486 of 2025 in Sessions Trial No.13 of 2023, titled 'State of HP Vs. Maya Devi and ors.'.

2. It has been asserted that the petitioner is a victim. She had lodged an FIR No.32 of 2022. A trial arising out of the said

¹ Whether reporters of Local Papers may be allowed to see the judgment? Yes.

FIR is pending before the learned Special Judge. The petitioner handed over a pen drive, containing videography of the incident obtained from social media to the learned Public Prosecutor on 29.11.2024. This video was produced to impeach the veracity of the defence witness Hari Krishan alias Veena Ram and to demonstrate the true sequence of events. However, the pen drive was not taken on record because it was not accompanied by a certificate under Section 65B of the Indian Evidence Act. Subsequently, the petitioner filed an application before the Superintendent of Police, Hamirpur, requesting further investigation. The Investigating Officer did not conduct any forensic verification, and he filed a supplementary challan on 1.3.2025. The learned Public Prosecutor sought direction to send the DVD for forensic examination. Learned Special Judge declined to send the DVD for forensic examination. The order passed by the learned Special Judge is not sustainable because the certificate under Section 65B of the Indian Evidence Act does not prove the authenticity. The electronic evidence obtained from social media is susceptible to tampering, and its forensic analysis is necessary. The failure to send the video recording to the

laboratory caused a miscarriage of justice. Hence, the present petition.

2. Mr Rajesh Kumar Parmar, learned counsel for the petitioner, submitted that the learned Special Judge erred in not sending the DVD for forensic examination, which is essential to determine the authenticity of the record. Therefore, he prayed that the present petition be allowed and the DVD be sent for forensic examination.

3. Mr Ajit Sharma, learned Deputy Advocate General for the respondent State, supported the submissions made by Mr Rajesh Kumar Parmar, learned counsel for the petitioner.

4. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

5. Learned Trial Court held that the witnesses are yet to be examined and the question of the authenticity would be determined at the time of appreciation of the evidence. The forensic examination of the DVD was not essential at this stage.

6. The reasoning of the learned Trial Court cannot be faulted. The petitioner herself mentioned that the video was produced to impeach the veracity of the witness Hari Krishan

alias Veena Ram. If the witness admits the authenticity of the video recording, there would be no need to send it to the forensic expert. The authenticity can also be determined by examining the person who had video-recorded the incident. Thus, the learned Trial Court was justified in holding that the application was premature and could not be allowed.

7. It is trite to say that the inherent jurisdiction is extraordinary and is to be exercised sparingly. No case for the exercise of the inherent jurisdiction has been made out at this stage.

8. Consequently, the present petition fails, and it is dismissed.

9. The observations made hereinabove are regarding the disposal of this petition and will have no bearing, whatsoever, on the case's merits.

(Rakesh Kainthla)
Judge

23rd March, 2026
(Chander)