

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc(Pet.) No. 10116/2025

Rakesh Chheepa S/o Shri Dalchand Ji Chheepa, Aged About 42
Years, H-90, Azad Nagar, P.s. Pratap Nagar, Bhilwara, Rajasthan

-----Petitioner

Versus

1. State Of Rajasthan, Pp
2. Mahesh Kumar Nama S/o Babulal Nama, Chheepa
Mohalla, Purani Tonk Road, P.s. Purani Tonk, District -
Tonk, Rajasthan

-----Respondents

For Petitioner(s) : Mr. Naman Mohnot

For Respondent(s) : Mr. Vikram Rajpurohit, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU
Order

10/03/2026

The present criminal miscellaneous petition has been filed by the petitioner under Section 528 of the BNSS challenging the order dated 16.10.2025 passed by the learned Additional Sessions Judge (Women Harassment Cases), Bhilwara in Sessions Case No. 56/2016, whereby the learned Court dismissed the application filed by the petitioner under Section 91 Cr.P.C. seeking to place on record the certificate under Section 65-B of the Indian Evidence Act.

Learned counsel for the petitioner submits that the application of the petitioner for bringing the certificate under Section 65-B of the Evidence Act on record has been rejected. He submits that the photograph had already been placed on record; however, the certificate under Section 65-B of the Evidence Act could not be filed at that time. Merely six days after entering the witness box, the petitioner filed the application upon realizing that

the said certificate was required to be placed on record in his defence.

Learned counsel for the petitioner further submits that the application was rejected on the ground that there was delay in filing the application and that the relevant details were not mentioned in the statement recorded by the petitioner.

Learned counsel for the petitioner relied upon the judgment passed by the Hon'ble Apex Court in the case of ***State of Karnataka Vs. T. Naseer @ Nasir @ Thandiantavida Naseer @ Umarhazi @ Hazi & Ors.***, reported in ***2023 INSC 988***, contending that the certificate under Section 65-B of the Evidence Act can be brought on record at any stage of the trial.

This Court has considered the matter and is inclined to interfere in the present case.

Issue notice.

Learned Public Prosecutor accepts notice on behalf of the respondent-State.

Let notice be issued to respondent No. 2, returnable within four weeks.

In the meanwhile, the learned trial Court shall not pass the final judgment in Sessions Case No. 56/2016 until the disposal of the present miscellaneous petition.

(BALJINDER SINGH SANDHU),J