Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

Present:
THE HON'BLE JUSTICE SANDIP KUMAR DE

IA No.:CAN/1/2026
in
C.O. 1109 of 2023

MST. BILKISH FATEMA
VS.
HUSNEARA BEGUM

For the petitioner : **Mr. Mousomee Shome,**
Mr. Subhajit Das

Heard & Judgment On : **17.11.2026**

SANDIP KUMAR DE, J:

1. Affidavit-of-service filed today be kept on record.

2. Despite service, none appears for the opposite party.

3. Heard the learned Counsel for the petitioner.

4. The order no. 118 dated July 20, 2022 passed by the learned Civil Judge (Junior Division), 1st Court, Kandi, Murshidabad in Misc. Case No. 6/2015 is under challenge in the present revisional application.

5. By the order impugned the learned Trial Judge has rejected the application for bringing the electronic evidence along with certificate from the forensic laboratory on record. The learned Trial Judge held that a similar opportunity was granted to the petitioner and by order dated January 18, 2021 an application to that effect was rejected granting liberty to the petitioner to take appropriate steps. Subsequently, another application dated November 24, 2021 was filed to bring the electronic evidence in the form of CD-Rom on record along with a certificate of forensic laboratory.

6. The learned Trial Judge held that since the matter was already decided by order dated January 18, 2021, there is no necessity to pass any further order with regard to the prayer of the petitioner and as such, the said application was rejected.

7. The relevant provision in this regard is Section 65-B of the Evidence Act, 1872 and the same reads as follows:-

65-B. Admissibility of electronic records.-(1) Notwithstanding anything contained in this Act, any information contained in an electronic record which is printed on a paper, stored, recorded or copied in optical or magnetic media produced by a computer (hereinafter referred to as the computer output)shall be deemed to be also a document, if the conditions mentioned in this section are satisfied in relation to the information and computer in

question and shall be admissible in any proceedings, without further proof or production of the original, as evidence of any contents of the original or of any fact stated therein of which direct evidence would be admissible .

(2) The conditions referred to in Sub-Section (1) in respect of a computer output shall be the following, namely –

(a) the computer output containing the information was produced by the computer during the period over which the computer was used regularly to store or process information for the purposes of any activities regularly carried on over that period by the person having lawful control over the use of the computer;

(b) during the said period, information of the kind contained in the electronic record or of the kind from which the information so contained is derived was regularly fed into the computer in the ordinary course of the said activities;

(c) throughout the material part of the said period, the computer was operating properly or, if not, then in respect of any period in which it was not operating properly or was out of operation during that part of the period, was not such as to affect the electronic record or the accuracy of its contents; and

(d) the information contained in the electronic record reproduces or is derived from such information fed into the computer in the ordinary course of the said activities.

(3) Where over any period, the function of storing or processing information for the purposes of any activities regularly carried on over that period as mentioned in clause (a)of Sub-Section (2) was regularly performed by computers, whether –

(a) by a combination of computers operating over that period; or

(b) by different computers operating in succession over that period; or

(c) by different combination of computers operating in succession over that period; or

(d) in any other manner involving the successive operation over that period, in whatever order, of one or more computers and one or more combinations of computers.

All the computers used for that purpose during that period shall be treated for the purposes of this section as constituting a single computer; and references in this section to a computer shall be construed accordingly.

(4) In any proceedings where it is desired to give a statement in evidence by virtue of this section, a certificate doing any of the following things, that is to say,-

(a) identifying the electronic record containing the statement an describing the manner in which it was produced;

(b) giving such particulars of any device involved in the production of that electronic record as may be appropriate for the purpose of showing that the electronic record was produced by a computer;

(c) dealing with any of the matters to which the conditions mentioned in Sub-Section (2) relate,

And purporting to be signed by a person occupying a responsible official position in relation to the operation of the relevant device or the management of the relevant activities (whichever is appropriate) shall be evidence of any matter stated in the certificate; and for the purpose of this Sub-Section it shall be sufficient for a matter to be stated to the best of the knowledge and belief of the person stating it.

(5) For the purposes of this Section,-

(a) information shall be taken to be supplied to a computer if it is supplied thereto in any appropriate form and whether it is so supplied directly or (with or without human intervention) by means of any appropriate equipment;

(b) whether in the course of activities carried on by any official, information is supplied with a view to its being stored or processed for the purposes of those activities by a computer operated otherwise than in the course of those activities, that information, if duly supplied to that computer, shall be taken to be supplied to it in the course of those activities;

(c) a computer output shall be taken to have been produced by a computer whether it was produced by it directly or (with or without human intervention) by means of any appropriate equipment.

8. On a careful reading of the aforesaid provision, it appears that a certificate is required to be furnished for the purpose of bringing the electronic evidence on record. The CD-Rom sought to be produced as a piece of evidence along with the certificate of the forensic laboratory matter partially complied with the requirements of Section 65-B(4) of the 1872 Act but the same is not the complete one. The statements made in the application seeking production of electronic evidence filed before the learned Court on November 24, 2021 records a statement that the recording of the videography was done through a mobile phone but such statement in paragraph 1 of the said application also does not fulfill the requirements of the certificate contemplated under Section 65B(4) of the 1872 Act.

9. Therefore, this Court does not find any illegality or infirmity in the order impugned. As such, the revisional application being CO/1109/2023 is dismissed. Consequently, CAN/1/2026 is disposed of.

10. However, the petitioner would be at liberty to produce the electronic evidence in strict compliance of the relevant laws before the learned Trial Court.

11. There shall be no order as to costs.

12. Urgent Photostat certified copy of this judgement, if applied for, be supplied to the parties upon compliance of all legal formalities.

(**SANDIP KUMAR DE,J.)**

High Court
सत्यमेव जयते
Calcutta