

HIGH COURT OF ANDHRA PRADESH**MAIN CASE NO.: CrI.P.No.2255 of 2022****PROCEEDING SHEET**

Sl.No.	Date	ORDER	OFFICE NOTE
1.	29.03.2022	<p><u>DR,J</u></p> <p>The criminal petition is filed aggrieved by the order passed by the III Additional Judicial Magistrate of First Class, Kakinada in CrI.M.P.544/2021 in Cr.No.37/2018 in C.C.No.1475/2018 dated 30.12.2021. In the said C.C, the State-Police has filed an application under section 242(3) Cr.P.C requesting the Court to receive the mobile phone produced by PW4 on behalf of the prosecution. Considering the same, despite the objection raised by the petitioner herein, the Court has passed the following order:</p> <p><i>...Hence, the objections raised by the learned Counsel for respondent are not tenable at this stage. The other contention of the learned counsel is the evidence now sought to be produced is secondary evidence and that it is not admissible without a certificate. As per section 65B is required only if any electric record is sought to be produced without production of the original. However, in the instant case, the prosecution is seeking to produce the original mobile phone of PW4 which is said to be used to take the video and hence, no certificate is required to produce the document. The questions whether the video is really taken in the mobile phone being produced and whether the video is tampered or not are questions of facts which can only be decided after full-fledged trial. In the light of the discussion made, it is clear that the objections raised by the respondent for production of the evidence by the prosecution at this stage are not tenable. Hence, the prosecution can be permitted to produce the original mobile phone said to have containing the videograph of execution fo Ex.P2 transaction and the same can be marked subject to objections regarding proof that may be raised at the time of marking. The point if answered accordingly in favour of the petitioner and against the respondent."</i></p> <p>At that point of time, learned Assistant Public Prosecutor has sought time for getting instructions.</p> <p>Hence post on 30.3.2022.</p> <p><u>DR, J</u> RD</p>	

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