



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 12210/2025

Shwetabh Singhal, S/o Sh. Rakesh Singhal, R/o 628,
Vidhyadhar Ka Rasta, Tripoliya Bazar, Jaipur And 52-A/b,
Pondrik Park Ke Samne, Talkatora, Brahmpuri, Jaipur (Raj.)

-----Petitioner

Versus

1. M/s J.k And Sons, Through Rajendra Kumar Johri, R/o House No. 1545-47, Chaura Rasta, Jaipur.
2. Rajendra Kumar Johri, S/o Jai Kumar Johri, R/o House No. 1545-47, Chaura Rasta, Jaipur.
3. Gautam Agrawal, S/o Jagmohan Agrawal, R/o Naya Bangla, Main Tonk Road, Jaipur (Raj.).
4. Shubhankar Singhal, S/o Sh. Rakesh Singhal, R/o-628, Vidhyadhar Ka Rasta, Tripoliya Bazar, Jaipur And 52-A/b, In Front Of Pondrik Park, Talkatora, Brahmpuri, Jaipur (Raj.).
5. Rakesh Singhal, S/o Sh. Arjunlal Agrawal, R/o 628, Vidhyadhar Ka Rasta, Tripoliya Bazaar, Jaipur And 52-A/b, In Front Of Pondril Park, Talkatora, Brahmpuri, Jaipur (Raj.)

-----Respondents

For Petitioner(s) : Mr. Govind Purohit

For Respondent(s) : Mr. Poonam Chand Bhandari

JUSTICE ANOOP KUMAR DHAND

Order

09/09/2025

1. By way of filing this writ petition, a challenge has been led to the impugned order dated 02.08.2025 passed by the Rent Tribunal, Jaipur Metropolitan-II (hereinafter referred as 'the Tribunal'), by which the application submitted by the respondent No.2 under Section 21 of the Rajasthan Rent



Control Act, 2001 (for short, the Act of 2001) has been allowed and the respondent has been permitted to produce electronic evidence contained under the Pen Drive and Compact Disc (CD) bearing exhibit Nos.8 to 44.



2. Learned counsel for the petitioner submits that the certificate under Section 65-B of the Indian Evidence Act has been issued by the person in whose device the recording was transferred. Counsel submits that the original recording was done in the device of one Rajat Sancheti whose certificate under Section 65-B of the Indian Evidence Act has not been produced on the record, hence, under these circumstances, the application submitted by the respondent seeking liberty to produce electronic evidence is not maintainable and the same is liable to be rejected. Counsel submits that as per the judgment passed by the Hon'ble Apex Court in the case of **Anvar P.V. vs P.K. Basheer** reported in **AIR 2015 SC 180**, it is necessary that the person who is occupying the device at the relevant time, the certificate must be issued by the said person only. Hence, under these circumstances, the order impugned passed by the Tribunal is not sustainable and is liable to be quashed and set-aside.

3. *Per contra*, learned counsel for the respondent opposed the arguments raised by counsel for the petitioner and submitted that it is true that video was recorded in the device of one Rajat Sancheti, who transferred the same to the device of the respondent No.2. Thereafter, the recorded video in the form of Pen Drive and CD was produced on the record of the Tribunal along with certificate issued by the respondent No.2



under Section 65-B of the Indian Evidence Act. Counsel submits that no such objection was ever taken by the petitioner before the Tribunal. The only objection taken by the petitioner was that the electronic evidence was produced at a later stage. Counsel submits that considering the above factual aspect of the matter, the respondent No.2 was allowed to lead the electronic evidence along with the certificate issued by him under Section 65-B of the Indian Evidence Act by imposing cost of Rs.1500/- upon the respondent No.2, hence, the order passed by the Tribunal is justified which requires no interference of this Court and the writ petition is liable to be rejected.

4. Heard and considered the submissions made at the Bar and perused the material available on record.

5. Perusal of the record indicates that an application under Section 21 of the Act of 2001 has been submitted by the respondent No.2 against the petitioner before the Tribunal and during pendency of the aforesaid proceedings, the said application so submitted by the respondent, seeking liberty to produce the electronic evidence in the form of Pen Drive and CD on the record along with a certificate of one Rajender Kumar Johri under Section 65-B of the Evidence Act was allowed.

6. This fact is not in dispute that the video in question was recorded in the device of one Rajat Sancheti and subsequently, the said video was transferred from his device to the device of the respondent No.2-applicant-Rajendra Kumar Johri and he produced the relevant Pen Drive and CD





on the record and the same were marked as Exhibit 8 to 44. It appears that at a later stage, a certificate under Section 65-B of the Evidence Act was submitted by the said Rajendra Kumar Johri in support of the electronic evidence.

7. Now the question which remains for the consideration of this Court is that 'Whether it is mandatory that a certificate of the person, in whose device the original video was recorded, was required to be submitted under Section 65-B of the Indian Evidence Act or the person in whose device the material has been transferred to, is supposed to issue the certificate under Section 65-B of the Indian Evidence Act ?'

8. The question involved in the instant writ petition is no more res integra, as the same has been set at rest by the Hon'ble Apex Court in the case of **Anvar P.V. (supra)** in para No.14, which reads as under:

"14.Under Section 65B(4) of the Evidence Act, if it is desired to give a statement in any proceedings pertaining to an electronic record, it is permissible provided the following conditions are satisfied:

- (a) There must be a certificate which identifies the electronic record containing the statement;
- (b) The certificate must describe the manner in which the electronic record was produced;
- (c) The certificate must furnish the particulars of the device involved in the production of that record;
- (d) The certificate must deal with the applicable conditions mentioned under Section 65B(2) of the Evidence Act; and
- (e) The certificate must be signed by a person occupying a responsible official position in relation to the operation of the relevant device."



9. The Hon'ble Apex Court has categorically held in para 14(e) of the aforesaid judgment that such certificate has to be personally signed by the person, who was occupying the relevant device.

10. The view taken by the Hon'ble Apex Court in the case of **Anvar P.V. (supra)** was further reiterated by the Apex Court in the case of **Arjun Panditrao Khotkar vs. Kailash Kushanrao Gorantyal and Others** reported in **2020 (7) SCC 1** and it has been held in para 51 and 52, which reads as under:

"51. On an application of the aforesaid maxims to the present case, it is clear that though Section 65B(4) is mandatory, yet, on the facts of this case, the respondents, having done everything possible to obtain the necessary certificate, which was to be given by a third party over whom the respondents had no control, must be relieved of the mandatory obligation contained in the said sub-section.

52. We may hasten to add that Section 65-B does not speak of the stage at which such certificate must be furnished to the Court. In **Anvar P.V.**, this Court did observe that such certificate must accompany the electronic record when the same is produced in evidence. We may only add that this is so in cases where such certificate could be procured by the person seeking to rely upon an electronic record. However, in cases where either a defective certificate is given, or in cases where such certificate has been demanded and is not given by the concerned person, the Judge conducting the trial must summon the person/persons referred to in Section 65B(4) of the Evidence Act, and require that such certificate be given by such person/persons. This, the trial Judge ought to do when the electronic record is produced in evidence before him without the requisite certificate in the circumstances aforementioned. This is, of course, subject to discretion being exercised in civil cases in accordance with law, and in accordance with the requirements of justice on the facts of each



case. When it comes to criminal trials, it is important to keep in mind the general principle that the accused must be supplied all documents that the prosecution seeks to rely upon before commencement of the trial, under the relevant sections of the CrPC.”



11. The Hon'ble Apex Court has held that the Judge conducting the trial must summon the person referred in Section 65-B(4) of the Indian Evidence Act and requires such person to submit the certificate in whole electronic device the evidence has been recorded.

12. In the considered opinion of this Court, the certificate issued by the respondent No.2-Rajendra Kumar Johri is not valid, as the video was not recorded originally in his device. The video was recorded in the device of Rajat Sancheti whose certificate was required to be produced on the record, but the same has not been produced.

13. Since the electronic evidence is available on the record, the respondents would be at liberty to submit the certificate of Rajat Sancheti under Section 65-B of the Indian Evidence Act.

14. With the aforesaid observations/directions, the instant writ petition stands disposed of. The stay application and all pending applications, if any, also stand disposed of.

(ANOOP KUMAR DHAND),J

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