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MCRC-20265-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 2nd OF JULY, 2025

MISC. CRIMINAL CASE No. 20265 of 2025

HARJEET SINGH MEHTA

Versus

ANIL

.....
Appearance:

Shri Aayush Bhorhari - Advocate for the petitioner.
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ORDER

1] Heard.

2] This petition has been filed by the petitioner under Section 482 of Cr.P.C./528 of Bharatiya Nagarik Suraksha Sanhita, 2023 being aggrieved of the order passed by the Judicial Magistrate First Class, Indore on 03.04.2025 in Criminal Case No.6722 of 2022 whereby the petitioner's application under Section 65-B of Indian Evidence Act, 1872 (in short 'Evidence Act') has been rejected.

3] The aforesaid application was filed by the petitioner/accused on the ground that in the complaint it is mentioned that the complainant has obtained the information from the postal department through electronic mode, however, the same cannot be relied upon. Hence, the aforesaid document cannot be exhibited in the absence of a certificate under Section 65-B of the Evidence Act.

4] The application has been rejected on the ground that the aforesaid



document can be rebutted through leading evidence only.

5] Counsel for the petitioner has submitted that the notice, on behalf of the complainant, was not served on the address of the petitioner, and apart from that, the certificate as required under Section 65-B of the Evidence Act is also not available on record, and thus, both these aspects have not been properly considered by the learned Judge of the trial Court.

6] Heard. On due consideration of submissions and on perusal of the documents filed on record, it is found that the learned Judge of the trial Court has rejected the application on the ground that the trial is at the preliminary stage, and the complainant's evidence is still to be recorded, and whether the notice was properly served on the petitioner/accused's address is a question to be decided after appreciating the evidence only, at this stage, the same cannot be decided. In the considered opinion of this Court, the aforesaid finding does not call for any interference, as the petitioner shall have ample opportunity to lead evidence in this behalf or to contend that the evidence led by the complainant is not sufficient or is inadmissible in evidence.

7] In view of the same, no case for interference is made out.

8] Accordingly, the petition being devoid of merits, is hereby *dismissed*.

(SUBODH ABHYANKAR)
JUDGE