

NATIONAL JUDICIAL ACADEMY



RESEARCH REPORT ON:

JUDICIAL DECISIONS ON ELECTRONIC EVIDENCE (PERIOD:2011-2015)

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LEVEL I ANALYSIS:

SUPREME COURT

S.NO.	CASES	SUBJECT MATTER
1.	K.K. Velusamy Vs. N. Palanisamy, MANU/SC/0267/2011	The Respondent herein has filed a suit for specific performance alleging that the Appellant-Defendant entered into a registered agreement of sale dated 20.12.2006 agreeing to sell the suit schedule property to him, for a consideration of Rs. 240,000/-; that he had paid Rs.160,000/- as advance on the date of agreement; that the Appellant agreed to execute a sale deed by receiving the balance of Rs. 80,000/- within three months from the date of sale; that he was ready and willing to get the sale completed and issued a notice dated 16.3.2007 calling upon the Appellant to execute the sale deed on 20.3.2007; and that he went to the Sub-Registrar's office on 20.3.2007 and waited, but the Appellant did not turn up to execute the sale deed. On the said averments, the Respondent sought specific

		<p>performance of the agreement of sale or alternatively refund of the advance of Rs. 160,000/- with interest at 12% per annum from 20.12.2006. The Appellant resisted the suit and therefore contended that the Respondent - Plaintiff was not entitled to specific performance</p> <p>Electronic evidences used in the present case was not admitted by the court i.e. recording of the conversation in a CD, thereby allowing the appeal in part and dismissing the petition of the appellant.</p>
2.	Mohd. Arif Ashfaq Vs. State of NCT of Delhi, MANU/SC/0919/2011	<p>The Appellant (admittedly a Pakistani national) challenges his concurrent conviction by the trial Court and the High Court as also the death sentence awarded to him, in this appeal.</p> <p>The court dismissed the appeal and affirmed the judgment of the Trial Court and High court thnereby convicting and sentencing the accused, considering the call details, SIM cards, IMEI number of the mobile found and other evidences.</p>

3.	Reva Electric Car Company Private Ltd. Vs. Green Mobile, MANU/SC/1396/2011	<p>The Petitioner has filed the present application under Sections 11(4) and (6) of the Arbitration and Conciliation Act, 1996 read with paragraph 2 of the Appointment of the Arbitrators by the Chief Justice of India Scheme, 1996. It is stated that the parties had entered into a legally valid and enforceable Memorandum of Understanding ('MOU') dated 25th September, 2007, providing, inter alia, for the respective obligation of both the parties in connection with the marketing of the cars of the Petitioner. Though the term of the MOU was till December, 2007, it was extended by the acts of the parties in terms of Clause 2 of the MOU.</p> <p>The court, while considering the E-mails and other evidences, dismissed the Arbitration Petition.</p>
4.	Ruchi Majoo Vs. Sanjeev Majoo, MANU/SC/0621/2011	<p>The present case happens to be one such case where legal proceedings have engaged the parties in a bitter battle for the custody of their only child Kush, aged about 11 years born in America hence a citizen of that country by birth. These proceedings included an action filed by</p>

		<p>the father-Respondent in this appeal, before the American Court seeking divorce from the Respondent-wife and also custody of master Kush. An order passed by the Superior court of California, County of Ventura in America eventually led to the issue of a red corner notice based on allegations of child abduction leveled against the mother who like the father of the minor child is a person of Indian origin currently living with her parents in Delhi. The mother took refuge under an order dated 4th April, 2009 passed by the Addl. District Court at Delhi in a petition filed under Sections 7, 8, 10 & 11 of the Guardians and Wards Act granting interim custody of the minor to her. Aggrieved by the said order the father of the minor filed a petition under Article 227 of the Constitution of India before the High Court of Delhi. By the order impugned in this appeal the High Court allowed that petition, set aside the order passed by the District Court and dismissed the custody case filed by the mother primarily on the ground that the Court at Delhi had no jurisdiction to entertain the same as the</p>
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		<p>minor was not ordinarily residing at Delhi - a condition precedent for the Delhi Court to exercise jurisdiction. The High Court further held that all issues relating to the custody of child ought to be agitated and decided by the Court in America not only because that Court had already passed an order to that effect in favour of the father, but also because all the three parties namely, the parents of the minor and the minor himself were American citizens. The High Court buttressed its decision on the principle of comity of courts and certain observations made by this Court in some of the decided cases to which we shall presently refer.</p> <p>Based on the E-mails communication and other evidences, the court has allowed the Civil Appeal and order dated 8th March, 2010 passed by the High Court hereby set aside. Consequently, proceedings in G.P. No. 361/2001 filed by the Appellant shall go on and be disposed of on the merits as expeditiously as possible.</p> <p>And the Criminal Appeal</p>
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		No. 1184 of 2011, (Arising out of SLP (Crl.) No. 10362 of 2010) is dismissed.
5.	Gajraj Vs. State of NCT of Delhi, MANU/SC/1104/2011	<p>First Information Report bearing No. 297 of 2005 was registered at Police Station Krishna Nagar for offences punishable under Sections 302, 452 and 380 of the Indian Penal Code on 7.1.2006. On 14.12.2007, an additional charge under section 404 of the Indian Penal Code was also framed against the accused-Appellant.</p> <p>The court dismissed the appeal taking in consideration the IMEI number of the mobile of the deceased, Call records and other relevant evidences.</p>
6.	<p>Mohd. Ajmal Mohammad Amir Kasab Vs. State of Maharashtra,, AND State of Maharashtra Vs. Fahim Harshad Mohammad Yusuf Ansari and Anr. AND Radhakant Yadav Vs. Union of India (UOI) and Ors.</p> <p>MANU/SC/0681/2012</p>	<p>Before filling this appeal, The Appellant was convicted and sentenced to death as noted above (vide Judgment and order dated May 3/6, 2010 passed by the Addl. Sessions Judge, Greater Mumbai in Sessions Case No. 175 of 2009). The other two accused were acquitted of all charges.</p> <p>The Judgment by the trial court gave rise to a reference to the Bombay High Court Under</p>

		<p>Section 366 of the Code of Criminal Procedure (Code of Criminal Procedure), registered as Confirmation Case No. 2 of 2010. In addition to the reference, two appeals also came to the High Court from the Judgment and order passed by the trial court, one by the Appellant against his conviction and sentences and the other by the State of Maharashtra against the acquittal of the other two accused. The High Court, by its Judgment and order dated February 21, 2011, confirmed the death sentences given to the Appellant by the trial court and dismissed both the appeals. The High Court upheld the Judgment and order passed by the trial court in all material aspects: it sustained the Appellant's conviction and confirmed the punishments given him by the trial court, but at the same time it did not interfere with the acquittal of the other two accused. From the Judgment of the High Court two appeals have come to this Court: one is a jail appeal by Kasab and the other is by the State of Maharashtra. The State's appeal seeks to challenge the</p>
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		<p>acquittal of the other two accused by the trial court and affirmed by the High Court. The other two accused are impleaded in the State's appeal as Respondents No. 1 and 2.</p> <p>The most clinching evidence regarding conspiracy comes from the recordings of intercepted telephone calls between the terrorists and their co-conspirators and collaborators sitting in a foreign land. The phone calls made by the terrorists from Hotel Taj, Nariman House and Hotel Oberoi came to be noticed and were intercepted by a watchful member of the Anti Terrorist Squad, further the call details records, callphonex call details, IP address information, voxbone call detail records, E-mails, Chat logs, CDs, printouts, CCTV footage and other oral & documentary, played an important role in dismissing the appeal by the court.</p>
7.	Ramlila Maidan Incident Vs. Home Secretary, Union of India & Ors., MANU/SC/0131/2012	Electronic evidence considered in this case was CCTV footage and

		recording in the CDs along with other evidences.
8.	Amitbhai Anilchandra Shah Vs. The Central Bureau Of Investigation & Anr., MANU/SC/0329/2013	<p>Amitbhai Anilchandra Shah has filed the present Writ Petition under Article <u>32</u> of the Constitution of India owing to the filing of fresh FIR by the Central Bureau of Investigation (CBI) and charge sheet arraying him as an accused in view of the directions given by this Court to the Police Authorities of the Gujarat State to handover the case relating to the death of Tulsiram Prajapati-a material witness to the killings of Sohrabuddin and his wife Kausarbi to the CBI in Narmada Bai v. State of Gujarat and Ors.</p> <p>The mobile call details pertaining to the case important piece of evidence not only against accused Shri Amit Shah but other police officers of Gujarat and Rajasthan, who worked at his behest to cover up the fake encounter that killed Tulsiram Prajapati, yet the court allowed the writ petition of the accused considering the other factors.</p>
9.	Prashant Bharti Vs. State of NCT of Delhi, MANU/SC/0063/2013	The FIR was registered against the appellant-accused under sec 328,354

		& 376 IPC by the victim, which was, however, quashed by the court relying upon the call details of both the parties and other documentary evidences.
10.	<p>Sanjay Dutt (A-117) Vs. State of Maharashtra through CBI (STF), Bombay, [Alongwith Criminal Appeal Nos. 1102 and 1687 of 2007]</p> <p>AND The State of Maharashtra,through CBI Vs. Ajai Yash Prakash Marwah (A-120) [Alongwith Criminal Appeal No. 392 of 2011]</p> <p>AND Samir Ahmed Hingora (A-53) Vs. The State of Maharashtra, thro. Superintendent of Police, CBI (STF), Bombay [Alongwith Criminal Appeal No. 1001 of 2007]</p> <p>AND The State of Maharashtra, through CBI (STF), Bombay Vs. Samir Ahmed Hingora (A-53)</p> <p>MANU/SC/0264/2013</p>	<p>The appeals are directed against the final judgment and order of conviction and sentence dated 28.11.2006 and 31.07.2007 respectively by the Designated Court under TADA for the Bombay Bomb Blast Case, Greater Bombay in B.B.C. No. 1/1993.</p> <p>The appeals made by all the accused have been dismissed by the court, in light of the call details and other oral & documentary evidences.</p>
11.	<p>Animal Welfare Board of India Vs. A Nagaraja and Ors., MANU/SC/0426/2014</p>	<p>While considering the photographs and other relevant evidences, the Appeals, transferred cases and the Writ Petition are disposed by the court, setting aside the judgment of the Madras High Court, but upholding the judgment of Bombay High Court and the notification dated 11.7.2011 issued by the Central Government.</p>

12.	Anvar P.V. Vs. P.K. Basheer, MANU/SC/0834/2014	<p>In this significant judgment, the Supreme Court has settled the controversies arising from the various conflicting judgments as well as the practices being followed in the various High Courts and the Trial Courts as to the admissibility of the Electronic Evidences. The Court has interpreted the Section 22A, 45A, 59, 65A & 65B of the Evidence Act and held that secondary data in CD/DVD/Pen Drive are not admissible without a certificate U/s 65 B(4) of Evidence Act. It has been elucidated that electronic evidence without certificate U/s 65B cannot be proved by oral evidence and also the opinion of the expert U/s 45A Evidence Act cannot be resorted to make such electronic evidence admissible.</p> <p>The judgment would have serious implications in all the cases where the prosecution relies on the electronic data and particularly in the cases of anticorruption where the reliance is being placed on the audio-video recordings which are being forwarded in the form of CD/DVD to the Court.</p>

13.	<p>Re. Vs. India Women says gang rape on orders of village court published in Business and Financial news, MANU/SC/0242/2014</p>	<p>The Court, based on the news item published in the Business and Financial News dated 23.01.2014 relating to the gang-rape of a 20 year old woman of Subalpur Village, P.S. Labpur, District Birbhum, State of West Bengal on the intervening night of 20/21.01.2014 on the orders of community panchayat as punishment for having relationship with a man from a different community, by order dated 24.01.2014, took suo motu action and directed the District Judge, Birbhum District, West Bengal to inspect the place of occurrence and submit a report to this Court within a period of one week from that date. However, the said suo moto proceeding was disposed off by the court.</p>
14.	<p>Suresh Kumar Vs. Union of India, MANU/SC/1304/2014</p>	<p>Considering that the electronic records were admissible evidence in the criminal trial also. Sec 65A & 65B of the Indian Evidence Act make such record admissible subject to fulfillment of requirements stipulated therein which include a certificate in terms of sec 65B (4) of the said act. To that extent the appellant has every right to summon whatever is</p>

		<p>relevant and admissible in his defence including electronic record and finding out location of officers effecting the arrest.</p> <p>The court allowed the appeal thereby directing the Trial Court to summon from the companies concerned, call details of SIM & telephone number.</p>
15.	Sanjay Singh Ramrao Chavan Vs. Dattatray Gulabrao Phalke, MANU/SC/0040/2015	<p>In stating the evidentiary value of a voice recording, the court relied upon the judgment of Anvar P.V. , while considering the admissibility of transcription of recorded conversation in a case where the recording has been translated, the Supreme Court held that as the voice recorder had itself not subjected to analysis, there is no point in placing reliance on the translated version. Without source, there is no authenticity for the translation. Source and authenticity are the two key factors for electronic evidence.</p>
16.	Tanvi Sarwal Vs. Central Board of Secondary Education and Ors., MANU/SC/0681/2015	<p>All these Writ Petitions, analogously heard, register a challenge to the All India Pre-Medical and Pre-Dental Entrance Test, 2015 held on 03.5.2015 under the aegis of the Central Board of Secondary Education, New</p>

		<p>Delhi having been perceived by the Petitioners to have been irreversibly vitiated by the use of unfair means and malpractices through electronic gadgets and devices facilitating the illegal and unfair access to 90 answer keys during the examination conducted on 03.5.2015 to the beneficiary candidates of such corrupt design at the behest of a syndicate for unlawful gain.</p> <p>On considering the electronic evidences discovered during the investigation, i.e. SIM cards, Bluetooth devices, SMSs; the court allows the petitions.</p>
17.	Tomaso Bruno Vs. State of U P, MANU/SC/0057/2015	<p>This appeal is directed against the judgment dated 4.10.2012 passed by Allahabad High Court in Criminal Appeal No. 5043 of 2011 in which the High Court confirmed the conviction of the Appellants Under Section 302 read with Section 34 of Indian Penal Code and the sentence of life imprisonment and fine of Rs. 25,000/- imposed on each of them.</p> <p>Emphasizing on the production of CCTV</p>

		<p>footage, call details, SIM cards, etc as the best evidence, the court allowed the appeal so made since the said evidences were not presented by the prosecution.</p>
18.	<p>Uday Kumar Singh Vs. State of Bihar, MANU/SC/0756/2015</p>	<p>These appeals are against a common judgment and order dated 04.03.2009 passed by the Patna High Court in Death Reference Case No. 4/2007 and Death Reference Case No. 12/2008 along with the criminal appeals filed by the accused persons against the judgment and order of the trial court. The trial court convicted the accused persons and awarded death sentence, which was referred before the High Court for confirmation. The High Court after hearing the parties set aside the judgments and orders of conviction passed by the trial court against the accused persons. Hence, these appeals have been filed by the informant/complainant before this Court.</p> <p>Not considering the electronic and other evidences against the accused, the appeals have been dismissed by the court.</p>

19.	Vinod Kumar Subbiah Vs. Saraswathi Palaniappan, MANU/SC/0492/2015	<p>These Appeals assail the judgment of the learned Single Judge of the High Court of Judicature at Madras, Bench at Madurai, delivered on 13.3.2013, setting aside the judgment dated 25.8.2011 of the Trial Court. The Impugned judgment dismissed the divorce petition filed by the Appellant.</p> <p>The appeal is allowed by the court, thereby considering the evidences i.e. voice mails and emails. However, these evidences was not considered to be as main evidence yet were accepted as the evidence intended to substantiate the evidence.</p>
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UTTARAKHAND HIGH COURT

S.NO.	CASES	SUBJECT MATTER
1.	Simon Dunolz Vs. State of Uttarakhand, MANU/UC/1608/2011	Court has dismissed the appeal made by the accused-appellant and affirmed the conviction recorded by the Trial Court based on the recovery of materials like laptop, mobile phones, email printout, etc and

		other evidences.
2.	Yogesh Sharma Vs. State of Uttarakhand, MANU/UC/1691/2011	The court allowed the bail application of the applicant taking in account the CCTV recording of the hotel wherein only the accused and the deceased is seen.
3.	Amarmani Tripathi Vs. State (Through CBI), State (Through CBI) Vs. Respondent: Prakash Chandra Pandey AND Appellants: Nidhi Shukla Vs. Respondent: State (Through CBI) & Anr. MANU/UC/0511/2012	The court dismissed the appeal made by the accused (i.e. A1, A2, A3 & A4) based on the call records , being one of the evidences against them along with other evidences. Whereas the appeal made by CBI was allowed against the accused (A5).
4.	Ashok Kumar Kundi Vs. State of Uttarakhand, MANU/UC/0168/2013	The court has dismissed the appeal and affirmed the order of conviction given by the Trial judge. The accused is punishable under sec 302 (MURDER) as well as sec 404 (MISSUSE OF THE VICTIM'S ATM CARD, evident from the CCTV recording) of IPC .
5.	Dablu Singh Alias Dampi Vs. State of Uttarakhand, MANU/UC/0039/2013	This is a murder case, where in the accused and co-accused are charged under Sec 302, 32,404 & 411 of IPC. However, the appeals made by the accused is dismissed, conviction and sentence given by the Additional Sessions Judge is affirmed

		on the basis of the call details of the mobile phone of the deceased for the period after his death and could lay hand to both the accused.
6.	Hari Krishna Bhatt Vs. State of Uttarakhand, MANU/UC/0544/2013	<p>Aggrieved against the submission of charge sheet for the offences punishable under Sec 292,294 of IPC and 67 of IT Act, the present application has been filed by the applicant.</p> <p>The application made by the applicant (Hari Krishna Bhatt) is allowed under sec 482 of CrPC and the charge-sheet framed on Sec 292, 294 (CrPC) and sec 67 of IT Act against the applicant and another is quashed by the court, finding no relevant evidence out of the CD so produced for conviction under the above mentioned sections.</p>
7.	Jai Chand Vs. State of Uttarakhand, MANU/UC/0401/2013	<p>The appeal is preferred by two out of the three accused, who were found guilty for the offences under Sec 364A, 302,201/34 of IPC after the conclusion of the trail.</p> <p>The appeal made by the appellant convicts is allowed by the court, quashing the judgment of conviction and</p>

		<p>sentence. Since the evidence put in light, specially the call details of PW1 & PW3 contradicts their own statements, hence the benefit of doubt is given to the appellants.</p>
8.	<p>Mahesh Kumar Vs. State of Uttarakhand, MANU/UC/0256/2013</p>	<p>The appeal is directed against the judgement whereby court has convicted the accused/appellant Mahesh Kumar under section 302 read with section 34 of I.P.C., and sentenced him to imprisonment for life and directed to pay fine of Rs. 10,000/-.</p> <p>The court accepts the judgment given by the Trial Court of conviction on considering the call details of the mobile of the deceased which was looted and used by the accused, as one of the important evidence and thereby rejecting the appeal made by the accused.</p>
9.	<p>Arif Vs. State of Uttarakhand, MANU/UC/0480/2013</p>	<p>This is an application seeking regular bail, under Sections 8/20 of Narcotics Drugs and Psychotropic Substance Act, Police Station Patel Nagar, District Dehradun.</p> <p>The FIR in question, made against the applicant has</p>

		<p>been quashed by the court and the court has directed for the investigation on the police officers for their malicious prosecution evident from their call details.</p>
10.	<p>Raju Thapa Vs. State of Uttarakhand, MANU/UC/0176/2013</p>	<p>This criminal appeal under sec. 374 of Cr.P.C. is directed against the judgment and order , passed by District and Sessions Judge Bageshwar District Bageshwar in Sessions Trial No. 4 of 2011, State v. Raju Thapa, convicting the accused Raju Thapa under S. 376, I.P.C. and Section 67A of The Information Technology Act, 2000 and sentencing him to undergo R.I. for ten years and to pay a fine of Rs. 10,000/- u/S. 376, I.P.C. and in default of payment of fine to further undergo six months R.I. and further sentencing him to undergo R.I. for two years u/S. 67A of The Information Technology Act and a fine of Rs. 10,000/- and in default of payment of fine to further undergo six months R.I.</p> <p>The appeal made by the accused is allowed by the court since the prosecution after presenting the electronic evidence i.e. CD</p>

		which had the video clip, failed to prove its case against the accused beyond all reasonable doubts.
11.	Ajeem Parvej Vs. State of Uttaranchal, MANU/UC/0045/2014	<p>This appeal challenges the judgment and order of conviction, rendered by the Sessions Judge, Pithoragarh wherein the accused/appellant was tried for the offence under section 376 of I.P.C. and section 3(1)(XII) of the SC/ST Act. The trial culminated into conviction for the offence of section 376 of I.P.C., while for the offence of 3(1)(XII) of the SC/ST Act, he was acquitted.</p> <p>Taking in consideration the electronic evidence i.e. the video clip of the victim made by the accused, the court has dismissed the appeal of the accused and affirmed the judgment so given.</p>
12.	Rihan Vs. State of Uttarakhand, MANU/UC/0111/2014	<p>The challenge herein is to the judgment and order of conviction rendered by the Sessions Judge, Dehradun convicting the appellant Rehan for the offence of Sections 363, 366 and 376, IPC as well as for the offence of Section 67 of the</p>

		<p>Information Technology Act, 2000 and Section 4/6 of the Indecent Representation of Women (Prohibition) Act, 1986.</p> <p>The court dismissed the appeal made by the accused considering the electronic evidences i.e. the video clip and nude pictures of the victim made by the accused and also circulating the same through the electronic media.</p>
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MEGHALAYA HIGH COURT

S.NO	CASES	SUBJECT MATTER
1.	Sushil Kumar Gupta Vs. Central Bureau Investigation, MANU/MG/0027/2013	This appeal is directed against the judgment and order dated 23.06.2009 convicting the accused/appellant under Section 7 as well as Section 13(1)(d)(i) read with Section 13(2) of the P.C. Act and sentencing him to undergo rigorous imprisonment of 6 months and fine of Rs. 10,000/- in default of payment thereof and further imprisonment of 2 months for the offence

		<p>under Section 7 of the P.C. Act and further sentenced to undergo imprisonment for 1 year and imposition of fine of Rs. 20,000/- in default thereof to undergo further imprisonment for 4 months for the offence under Section 13(1)(d)(i) of the P.C.</p> <p>The court considers the evidence against the accused, out of all one being the audio cassette. It allows the impugned judgment and order and dismisses the appeal against the said judgment.</p>
2.	Smti. Islida Mary Thyrniang Vs. Union Of India, MANU/MG/0058/2014	<p>By means of this writ petition, the petitioner has challenged the detention order dated 29-10-2013 of Shri Arphul Kharbani, passed and approved by the respondent-authorities under Meghalaya Preventive Detention Act, 1995 (for short MPDA).</p> <p>The writ petition by the detenu is allowed and the detention order is dismissed by the court in the light of evidences produced in favor of the detenu, amongst all, one was the copy of the ATM card along with the withdrawal statement which states that detenu was not in</p>

		the town on the night of the incident.
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TRIPURA HIGH COURT

S.NO.	CASES	SUBJECT MATTER
1.	Sarajendu Deb Vs. State of Tripura, MANU/TR/0353/2014	<p>This criminal appeal is directed against the judgment and order of conviction and sentence passed by learned Addl. Sessions Judge, Agartala, West Tripura, in Sessions Trial Case No. 34 of 2012, whereunder, the accused appellant was charged for an offence punishable under Section 302 of IPC and at the conclusion of trial learned Addl. Sessions Judge found the accused guilty of committing offence punishable under Section 304 Part-II of IPC and sentenced him to suffer RI for seven years.</p> <p>The court dismissed the</p>

		appeal of the accused while considering the video-graphy and photograph of the evidences disclosed by the accused.
2.	The Oriental Insurance Company Ltd Vs. Billal Miah & Ors., MANU/TR/0163/2015	This is a petition filed under Article 227 of the Constitution of the legality of the order dated 19.04.2013 delivered in Civil Misc.(Review) 05 of 2011 by the Motor Accident Claims Tribunal, South Tripura, Udaipur , now Gomati Judicial District. The review petition filed under Order XLVII Rule 1 of the C.P.C. being Civil Misc.(Review) 05 of 2011 questioned the judgment and award dated 12.11.2010 delivered in T.S.(MAC) No. 200 of 2010, limiting the challenge to that the petitioner, the Oriental Insurance Company was in no way liable to indemnify the damages of the original respondent No. 2, who was the owner at the time of accident of the offending vehicle inasmuch as there had been no insurance coverage for the said vehicle on the day of the accident i.e. 21.08.2008. According to them, the insurance policy was opened by them

		<p>w.e.f.25.08.2008 to be alive till 24.08.2009. As the accident had taken place on 21.08.2008, by dint of the said policy, the respondent No. 2, the owner of the offending vehicle could not have enjoyed indemnity.</p> <p>While scrutinizing the electronic records and other evidences, the court is of the view that the court is unable to decide the case due to the absence of proper facts and documents and hence the petition shall be reheard by the Motor Accident Claim Tribunal.</p>
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SIKKIM HIGH COURT

S.NO.	CASE	SUBJECT MATTER
1.	B.P. Gautam Vs. State of Sikkim, MANU/SI/0018/2015	The court considered the call details and the photographs during the trap as the admissible evidences and thus, dismissed the appeal made by the accused.

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GAUHATI HIGH COURT

S.NO.	CASES	SUBJECT MATTER
1.	M. Londhoni Devi Vs. National Investigation Agency, MANU/GH/0512/2011	<p>The appellant has preferred this appeal against an order passed by the Special Judge, NLA, Assam, Gauhati in Misc Bail Application No. 17/2011 declining bail to the appellant. The appellant has been in custody since 18.08.2010 and is accused of offences under Sections 120(B), 121, 121(A) and 122 of the IPC read with Sections 16, 17, 18 and 20 of the Unlawful Activities (Prevention) Act, 1967.</p> <p>The appeal is allowed by the court disregarding the evidences i.e. the printouts of the transactions made to the appellant by the UNLF showing her active membership with UNLF, pointed out by the prosecution.</p>
2.	Ramvao Shimray Vs. State of Manipur, MANU/GH/0610/2011	Four leading citizens of the State of Manipur have filed this Public Interest Litigation, entertained under Article 226 of the Constitution of India, praying for quashing the Notification No. 1/20/2009-CHA (i) dated 26.04.2010 issued by the Chief Secretary to the Government

		<p>of Manipur setting in motion election of one member each from Autonomous District Councils. The said Notification was purportedly issued under sub-rule (2) of Rule 15 of the Manipur (Hill Areas) District Councils (Election of Members) Rules, 2009. The petitioners are also praying for quashing the follow up Notifications issued by Sub-Divisional Officer/Returning Officer and fixing the schedule of Election.</p> <p>The writ petition has been dismissed by the court stating that the action of respondents in obtaining the signature of the Chief Secretary using electronic device i.e. Fax perse cannot be said as illegal.</p>
3.	Shri Bidhi Chand Dhiman Vs. CBI, MANU/GH/0791/2011	<p>These petitions are directed against a common judgment and order dated passed by the learned Special Judge, CBI, Assam, Guwahati in Special Case No. 3 of 2009 by which charge was framed against the accused petitioners under Section 12 of the Prevention of Corruption Act, 1988 read with Section 120B,IPC.</p> <p>The appeal (474 of 2011) made by the second accused has been allowed on the basis of the evidences so produced i.e. video clip and call details.</p>
4.	Shiva Jatan Thakur (Dr.) Vs. Union Of India & Ors, MANU/GH/0513/2011	<p>With the help of this petition, made under Section 482 of the Code Procedure, read with Article 227 of the Constitution of India, the petitioner, who is accused in G.R.</p>

		<p>Case No. 135/2011, arising out at Dimapur East Police Station Case No. 73/2011, under Section 500/506/507/509 IPC, read with Section 66A/66E/67A of the Information Technology Act, 2000, has sought to get aside and quashed the First Information Report, which has given rise to the case aforementioned, and the Charge-Sheet, which has been submitted on completion of investigation into the case.</p> <p>The FIR as well as the charge-sheet is quashed by the court, not considering the electronic evidences produced such as voice recording, messages, photographs; since the procedure laid down in chapter IX of IT Act was not followed.</p>
5.	Barasha Borah Bordoloi Vs. State of Assam, MANU/GH/0371/2012	<p>With the help of this application, made under Section 482 Cr.P.C., the petitioner who is an accused in Karimganj Police Section Case No. 483 of 2011, under Sections 120B/384/385/389/353 IPC, read with Section 66A of the Information and Technology Act, 2008, has sought to get set aside and quashed the First Information Report (in short, 'FIR'), which led to the registration of the case aforementioned.</p> <p>The court overlooked the evidences so produced by both the parties i.e. records of SMS, in quashing the impugned FIR and thereby dismissed the petition of quashing of the FIR.</p>

6.	Nirmal Nath Vs. Vineeta Dowarah, MANU/GH/0948/2012	<p>By this matrimonial appeal, under Section 28 of the Hindu Marriage Act, 1955, the Appellant Dr. Nirmal Nath (husband), challenged the judgment and decree dated 23.12.2010 (decree signed on 03.01.2011) passed by learned District Judge, Tinsukia in Title Suit (matrimonial) No. 27 of 2008. By the impugned judgment and decree, learned District Judge directed dissolution of the Hindu marriage solemnized between the appellant and the respondent on 20.06.1999 as per Hindu rites and customs.</p> <p>Considering the discussions and evidences i.e. SMSs by the appellant, the court dismissed the appeal of the appellant.</p>
7.	Oinam Moniton Singha Vs. National Investigating Agency, MANU/GH/0983/2012	<p>Accused-appellant has filed this appeal, under Section 21(4) of the National Investigation Agency Act, 2008, against the orde, passed by the learned Special Judge, NIA, Assam, Guwahati, in Misc. Bail Application No. 24/2011, in connection with Special NIA Case No. 1/2010, under Sections 16 /17 /18 /20 of Unlawful Activities (Prevention) Act, 1967, arising out of Noonmati Police Station Case No. 159/2010 registered under Section 120(B) /121 /121(A) /122 of IPC, read with Section 10 /13 of UA(P) Act, whereby the prayer of the accused-appellant, Oinam Moniton Singha, to allow him to go, on bail,</p>

		<p>was rejected.</p> <p>The court, after considering the evidences brought in light by NIA i.e. emails, details of bank accounts and electronic media for communication, disposed off the appeal made by the appellant.</p>
8.	Utpal Debbarma and Anr. Vs. State of Tripura, MANU/GH/07292012	<p>This is a petition under Section 439 of the Code of Criminal Procedure, 1973 by Sri Utpal Debbarma, the accused petitioner, for granting bail in connection with G.R. Case No. 280/ 1998 (arising from East Agartala P.S. Case No. 37/1998), pending in the Court of the learned Addl. Chief Judicial Magistrate, West Tripura, Agartala. The petitioner has been in custody since 11.07.2011 and his bail application had been rejected consecutively by the Addl. Chief Judicial Magistrate, West Tripura, Agartala.</p> <p>Considering the electronic evidences i.e. Printout copies of the information stored in some seized SIM cards, pen drives, memory cards, etc the dealing of the accused petitioner with NLFT was proved and thereby his bail application was rejected.</p>