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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ **CM(M) 882/2018 & CM APPL. 31011/2018**

M/S SAFEGUARD INDUSTRIES ..... Petitioner

Through: Mr. Abhishek Mudgal, Advocate (M: 9818582376).

versus

RAJINDER KUMAR ..... Respondent

Through: Mr. Gagan Gandhi, Mr. Mohit Kaushik and Mr. NamanDeep Singh, Advocates (M:9911633626).

CORAM:
JUSTICE PRATHIBA M. SINGH

O R D E R

% 06.01.2020

1. The Petitioner has challenged the impugned order dated 19th July, 2018 by which the affidavit under Section 65B of the Indian Evidence Act, 1872 was taken on record by the ld. Trial Court and considered as a part of the examination-in-chief of PW-1. The Court has perused the said order. The affidavit under Section 65B is not to be treated as a document, and can be exhibited along with the examination-in-chief of a witness, which is being recorded. Thus, this Court does not find any error in the impugned order.

2. The question as to whether the documents mentioned in the affidavit under Section 65B i.e. the electronic evidence, have been proved in accordance with law shall be decided by the ld. Trial Court at the stage of final adjudication. The mode of proof and the question of admissibility of the electronic evidence shall be adjudicated after perusing the affidavit

under Section 65B, as also the documents, and the overall evidence which has been led by the parties.

3. Further the e-mails dated 23rd February, 2011 and 28th February, 2011 have been perused by the Court. Ld. counsel for the Petitioner submits that while the exchange of e-mails is not disputed, the contents of the same and the authority of the person sending the e-mails is under dispute. These issues would be determined by the ld. Trial Court.

4. With these observations, the petition and all pending applications are disposed of.

PRATHIBA M. SINGH, J

JANUARY 06, 2020
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