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- **Court on its Own Motion v. State**, 146(2008)DLT429 [Uma Khurana Case - The Court asked the Ministry of Information and Broadcasting to examine the proposed guidelines placed before it by the amicus curae1, and to include proposals they deemed fit in the current exercise to draft a statute or code of conduct to regulate sting operations.]
- **Raja Ram Pal v. The Hon'ble Speaker, Lok Sabha & Others**, [(2007) 3 SCC 184]
- **Rajendra SAIL vs. M.P. High Court Bar Association & Ors**, (2005) 6 SCC 109 [While the media can, in the public interest, resort to reasonable criticism of a judicial act or the judgment of a Court for public good, it should not cast scurrilous aspersions on, or impute improper motives or personal bias to the judge. Nor should they scandalize the Court or the judiciary as a whole, or make personal allegations of lack of ability or integrity against a judge. The judgments of Courts are public documents and can be commented upon, analyzed and criticized, but it has to be in a dignified manner without attributing motives.]
- **State of Maharashtra v. Rajendra Jawanmal Gandhi**, (1997) 8 SCC 386
- **Sushil Sharma v. State (Delhi Admn.)**, 1996 SCC OnLine Del 345
- **Indian Express Newspapers (Bombay) (P) Ltd. v. Union of India**, (1985) 1 SCC 641
- **In RE S. Mulgaokar**, , (1978) 3 SCC 339
- **In Re: P. C. Sen**, AIR 1970 SC 1821 [The genuine risk of prejudicial remarks made in newspapers or by any mass media which must be guarded against is the —impression that such comments might have on the Judge's mind or even on the minds of witnesses for a litigant.]
- **Aswini Kumar Ghose v. Arabinda Bose**, (1952) 2 SCC 237 [The article published in Times of India not only criticised a judgement of the Court, but went on to imply motives to the Judges. Had the article just been a criticism, it would have been accepted. But because the article targeted the Judges, it lowered the dignity of the Court, which attracted the contempt proceedings against the editor, publisher and printer of Times of India. Contempt of court cannot arise if a particular Judge has alone been criticised or written negatively about. Only if the content so published also affects the public opinion of the judiciary can contempt proceedings be initiated.]
- **New York Times Company v. United States**, 1971 SCC OnLine US SC 147

SESSION 7

CRIMINAL JUSTICE ADMINISTRATION

1.	What is a fair trial? A Basic Guide to Legal Standards and Practice , Lawyers Committee for Human Rights, (March 2000)	949
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2.	Prof. B. B. Pande, <i>Rationalising the Pre-Trial Processes in India, Chapter-X</i> , Criminal Law and Criminal Justice: Advanced Legal Writings, EBC First Ed. 2022	1009
3.	Justice R.C. Chavan , <i>Rebuilding Confidence in Criminal Justice System, More Cries in Wilderness</i> , 44-65, AIR Law Academy & Research Center Nagpur, First Ed., (2020)	1031
4.	P.N. Bhagwati, <i>Human Rights in the Criminal Justice System</i> , Journal of the Indian Law Institute, 27(1), 1-22 (1985)	1054

Additional Reading:

- Maja Daruwala Ed., ***Fair Trial Manual: A Handbook for Judges and Magistrates***, The Commonwealth Human Rights Initiative and the International Human Rights Clinic, Cornell Law School 2019 Second Edition

JUDGMENTS & ORDERS

(Judgments mentioned below include citations only. Please refer full judgment for conclusive opinion)

1. ***Premchand v. State of Maharashtra*** 2023 SCC OnLine SC 218 [Supreme Court briefly summarised the settled principles with respect to Section 313 Code of Criminal Procedure, 1973. The court discussed the importance of Section 313 Cr.P.C. and the trite law in that respect.]
2. ***Sunita Devi v. State of Haryana***, (2023) 1 SCC 178 [Re S. 438 CrPC qua refusal of grant of anticipatory bail by High Court, interference by Supreme Court, when warranted, explained.]
3. ***The Directorate of Enforcement v. M. Gopal Reddy and another***, 2022 SCC OnLine SC 1862 – Supreme Court has reiterated that the conditions under Sec 45 of PMLA for grant of bail are applicable to Anticipatory bail applications under Sec 438 of CrPC as well.
4. ***Anant Thanur Karmuse v. State of Maharashtra*** 2023 SCC OnLine SC 180 [Victim has a Fundamental Right of fair investigation and fair trial. Therefore, mere filing of the chargesheet and framing of the charges cannot be an impediment in ordering further investigation/ re-investigation/ de-novo investigation, if the facts so warrant.]
5. ***Totaram v. State of MP*** 2023 SCC OnLine SC 194 [prima facie, no justification for the High Court to call for an explanation from the trial judge for having granted bail. Such orders of the High Court seriously affect the independence of the district judiciary in considering applications for bail in appropriate cases.]
6. ***Rana Ayyub v. Directorate of Enforcement through Its Assistant Director*** 2023 SCC OnLine SC 109 [The provisions of the Cr.P.C. are applicable to all proceedings under the Act including proceedings before the Special Court, except to the extent they are specifically excluded. Hence, Section 71 of the PMLA providing an overriding effect, has to be construed in tune with Section 46(1) and Section 65. (Para 28-29)]
7. ***Rohan Dhungat etc. v. State of Goa***, 2023 SCC OnLine SC 16, [The question of law raised and settled by the apex court was - "[W]hether the period of parole is to be excluded from the period of sentence?". The object and purpose of parole was considered by the courts. While explaining "imprisonment" the court held that "term of imprisonment is not included in the computation of term of parole".]
8. ***State v. T. Gangi Reddy***, 2023 SCC OnLine SC 25 [The Supreme Court held that release of an accused person on default bail will not act as an absolute bar to consider a plea for cancellation of bail on merits after presentation of chargesheet.]
9. ***Mohammed Zubair v. State of NCT of Delhi***, [2022 SCC OnLine SC 897](#) [The 6 FIRs filed in Ghaziabad, Chandauli, Lakhimpur, Sitapur, Hathras have also been transferred from the Uttar Pradesh Police to the Special Cell of the Delhi Police, thereby disbanding the SIT formed by the Director General of Police, Uttar Pradesh on 10 July 2022. If any other related FIR is filed against Zubair then the same will also be transferred to the Special Cell of the Delhi Police and Zubair shall be entitled to the order of interim bail.]
10. ***Kanchan Kumari v. State of Bihar and Another*** 2022 SCC OnLine SC 981 [Section 138 - Anticipatory Bail - Adverse order against third party by High Court in an anticipatory bail proceedings - It is a peremptory direction affecting a third party. The adverse impact of the direction goes to the very livelihood of the appellant. It has also civil consequences for the appellant. Such a peremptory direction and that too, without even issuing any notice to the appellant was clearly unjustified.]

11. **Jameel Ahmad v. Mohammed Umair Mohammad Haroon & anr.** Criminal Appeal No. 230 of 2022 [Grant of bail, though a discretionary order, requires such discretion to be exercised in a judicious manner and on the application of certain settled parameters. The more heinous the crime, the greater the chance of rejection of bail, though the exercise also depends on the factual matrix of the matter]
12. **Rajesh Seth v. The State of Chhattisgarh** Special Leave to Appeal (Crl.) No(s).1247/2022; 21-02-2022 [Indefinite adjournment in a matter relating to anticipatory bail, that too after admitting it, is detrimental to the valuable right of a person - When a person is before the Court and that too in a matter involving personal liberty, least what is expected is for such a person to be given the result one way or the other, based on the merit of his case and not push him to a position of uncertainty or be condemned without being heard, when it matters.]
13. **Satender Kumar Antil v. C.B.I.**, 2022 SCC Online SC 825 [**‘India needs a Bail Act’: Supreme Court asks Centre to consider the suggestion; Grant of bail — Exercise of discretion by court — Guidelines issued therefore based on categorisation of offences made herein:** Offences have been categorised and the guidelines have been issued for grant of bail, but without fettering the discretion of the courts concerned and keeping in mind the statutory provisions. Further held, where the accused have not cooperated in the investigation nor appeared before the investigating officers, nor answered summons when the court feels that judicial custody of the accused is necessary for the completion of the trial, where further investigation including a possible recovery is needed, the benefit of the above guidelines cannot be given to such accused. Lastly, held, it is not as if economic offences not covered by Special Acts, are completely taken out of the aforesaid guidelines but do form a different nature of offences. Thus the seriousness of the charge has to be taken into account but simultaneously, the severity of the punishment imposed by the statute would also be a factor.]
14. **Manoj Kumar Khokhar v. State of Rajasthan** (2022) 3 SCC 501 [Cryptic and casual bail orders without relevant reasons liable to be set aside; “cessante ratiōe legis cessat ipsa lex” invoked to hold that **“reason is the soul of the law, and when the reason of any particular law ceases, so does the law itself”**]
15. **Sunil Kumar v. State of Bihar**, (2022) 3 SCC 245 [**Bail:** Principles summarized regarding considerations to be balanced while deciding to grant bail.]
16. **Deepak Yadav v. State of U.P. and Another**, 2022 SCC OnLine SC 672 [It is no doubt true that cancellation of bail cannot be limited to the occurrence of supervening circumstances. This Court certainly has the inherent powers and discretion to cancel the bail of an accused even in the absence of supervening circumstances. Following are the illustrative circumstances where the bail can be cancelled :- **a)** Where the court granting bail takes into account irrelevant material of substantial nature and not trivial nature while ignoring relevant material on record. **b)** Where the court granting bail overlooks the influential position of the accused in comparison to the victim of abuse or the witnesses especially when there is prima facie misuse of position and power over the victim. **c)** Where the past criminal record and conduct of the accused is completely ignored while granting bail. **d)** Where bail has been granted on untenable grounds. **e)** Where serious discrepancies are found in the order granting bail thereby causing prejudice to justice. **f)** Where the grant of bail was not appropriate in the first place given the very serious nature of the charges against the accused which disentitles him for bail and thus cannot be justified. **g)** When the order granting bail is apparently whimsical, capricious and perverse in the facts of the given case.]
17. **Devendra Kumar Saxena v. Central Bureau of Investigation and Ors.** AIR 2021 SC 2006 [Criminal - Transfer Petition - Transfer sought on health grounds - Petition opposed on the ground of trial already under way - Whether transfer can be granted?]
18. **Manjeet Singh v. State of Haryana and Ors.** AIR 2021 SC 4274 [the court has held that to summon the person who is not charge sheeted, the effort is that the real perpetrator of the offence is punished which is part and parcel of the principle of fair trial and this empowerment of the court is essential to ensure the proper working of the criminal administration of justice.]
19. **Sartaj Singh v. State of Haryana and Ors.** (2021) 5 SCC 337 [Object **and purpose of S. 319:** Principles reiterated regarding scope and ambit of powers of Magistrate under S. 319 and when additional accused may be added and “evidence” on basis of which may be added.]
20. **Shantaben Bhurabhai Bhuriya v. Anand Athabhai Chaudhari and Ors.** AIR 2021 SC 5368 [the Apex Court has taken a clear stand that criminal proceedings under SC-ST (Prevention of Atrocities) Act is not vitiated merely because the Magistrate had taken cognizance and committed the case to Special Court.]

21. **Ajay Kumar Pandey. v. State of U.P. & Ors** 2021 SCC OnLine All 77 [A fair trial includes fair investigation as reflected from Articles 20 and 21 of the Constitution of India. If the investigation is neither effective nor purposeful nor objective nor fair, the courts may if considered necessary, may order a fair investigation, further investigation or reinvestigation as the case may be to discover the truth so as to prevent miscarriage of justice.]
22. **CD Pharma India Private Limited v. State of NCT of Delhi & Ors** [W.P. (CRL) 999/2020 & CrI. M.A. No. 8526/2020 [The power to order reinvestigation or transfer of investigation needs to be exercised judiciously and not at the mere asking. It can be ordered only if the conscience of the Court is shaken to the standard of investigation.]]
23. **Mahender Chawla and Others v. Union of India** (2019) 14 SCC 615 [The Court held that one of the main reasons for witnesses changing their stance can be the lack of proper protection given by the state, hence a threat to life. Such witnesses are known as hostile witnesses.]
24. **Dinubhai Boghabhai Solanki v. State of Gujarat and Ors.** (2018) 11 SCC 129 [De novo retrial - Validity thereof - Sections 302 and 114 of Indian Penal Code, 1860 (IPC); Section 25(1) of Arms Act, 1959 - Present appeal filed challenging order whereby High Court directed de novo trial of case - Whether High Court justified passing de novo trial of case]
25. **Mohan Lal v. State of Punjab** AIR 2018 SC 3853 [The Supreme Court held that the possibility of real likelihood of bias existing on part of that police officer could not be excluded, and the right to fair investigations demanded that these be conducted in an impartial and unbiased manner.]
26. **Asha Ranjan and another v. State of Bihar and others** AIR 2017 SC 1079 [that an individual's choice is very complicatedly linked to dignity because dignity cannot be thought of in the absence of choice. The concept of 'class honour' or 'group thinking' is unlikely to surrender to such a right of choice.]
27. **Balakram v. State of Uttarakhand and others** (2017) 7 SCC 668 [**Right of accused to cross-examine police officer with reference to entries in police diary**]
28. **Naresh Kumar alias Nitu v. State of Himachal Pradesh** 2017 Indlaw SC 508 [The presumptive provision with reverse burden of proof, does not sanction conviction on basis of preponderance of probability. Section 35(2) provides that a fact can be said to have been proved if it is established beyond reasonable doubt and not on preponderance of probability. "]
29. **Ajay Singh v. State of Chhattisgarh** (2017) 3 SCC 330 [The CrPC does not define the term "judgment", yet it has clearly laid down how the judgment is to be pronounced. The provisions clearly spell out that it is imperative on the part of the learned trial judge to pronounce the judgment in open court by delivering the whole of the judgment or by reading out the whole of the judgment or by reading out the operative part of the judgment and explaining the substance of the judgment in a language which is understood by the accused or his pleader. Further, the trial judge may not read the whole of the judgment and may read operative part of the judgment but it does not in any way suggest that the result of the case will be announced and the judgment would not be available on record.]
30. **State of Bihar v. Rajballav Prasad @ Rajballav Pd. Yadav @ Rajballabh Yadav** (2017) 2 SCC 178 [Respondent preferred another bail petition before High Court - High Court directed release of Respondent on bail - Certain conditions were also imposed while granting bail - Hence, present appeal by State - Whether High Court should not have granted bail to Respondent]
31. **Amrutbhai Shambhubhai Patel vs. Sumanbhai Kantibhai Patel and others** AIR 2017 SC 774 [It was held that after a report is submitted by the police on completion of the investigation, the Magistrate, in both the contingencies, namely; when he takes cognizance of the offence or discharges the accused, would be committed to a course, whereafter though the investigating agency may for good reasons inform him and seek his permission to conduct further investigation, he suo motu cannot embark upon such a step or take that initiative on the request or prayer made by the complainant/informant.]
32. **Pooja Pal v. Union of India and others** (2016) 3 SCC 135 [Court observed that in a criminal case, fate of the proceedings cannot be left in the hands of the parties, crimes being public wrongs in breach and violation of public rights and duties, which affect the whole community and are harmful to the society.]
33. **State of Haryana v. Ram Mehar and others** (2016) 8 SCC 762 [Arithmetical approach in allowing recall of witness can be dangerous]

34. **State (NCT of Delhi) v. Shiv Kumar Yadav** (2016) 2 SCC 402 [Mere observation that recall was necessary “for ensuring fair of trial” is not enough unless there are tangible reasons to show how fairness of trial suffered without recall.]
35. **Bablu Kumar v. State of Bihar** (2015) 8 SCC 787 [For fair proceedings, the courts have to be proactive and see that no one It is the duty of the court to see that one party does not make the case ridiculous, that the summons issued to the witnesses of the prosecution are actually served to them.]
36. **Vinod Kumar v. State of Punjab** (2015) 3 SCC 220 [Held, trap witness was interested witness and his testimony, to be accepted and relied upon required corroboration and corroboration would depend upon facts and circumstances, nature of crime and character of trap witness - Nothing had been put to Prosecution Witness, who was member of raiding party, to elicit that he was anyway personally interested to get Appellant convicted - It was not case that there was no other evidence barring evidence of Complainant - On contrary there were adequate circumstances which established ingredients of offences in respect of which Appellant was charged - Further, evidence of Prosecution Witnesses got corroboration from each other - No infirmity in impugned order - Appeal dismissed.]
37. **State of Himachal Pradesh v. Raj Kumar** (2014) 14 SCC 39 [Chain of circumstances was not so complete as not to leave any reasonable ground for conclusion consistent with innocence of Respondent - High Court had, therefore, rightly set aside conviction and acquitted Respondent - Appeal dismissed.]
38. **State of Gujarat v. Kishanbhai** (2014) 5 SCC 108 [Lapses committed by investigating and prosecuting agencies, stringently deprecated and directions issued for purposeful and decisive investigation and prosecution in the matter.]
39. **Ashok Debbarma @ Achak Debbarma v. State of Tripura** (2014) 4 SCC 747 [the concept of residual doubt was considered]
40. **Hardeep Singh v. State of Punjab** [\(2014\) 3 SCC 92](#) [Power under Section 319 Cr.P.C. is a discretionary and an extraordinary power. It is to be exercised sparingly and only in those cases where the circumstances of the case so warrant. It is not to be exercised because the Magistrate or the Sessions Judge is of the opinion that some other person may also be guilty of committing that offence. Only where strong and cogent evidence occurs against a person from the evidence led before the court that such power should be exercised and not in a casual and cavalier manner]
41. **Sarah Mathew v. Institute of Cardio Vascular Diseases** (2014) 2 SCC 62 [It was held that “Magistrate takes cognizance when he applies his mind or takes judicial notice of an offence with a view to initiating proceeding. Further, the petition to condone the delay should be filed at the time of giving the complaint itself”, thus, observed that the date of filing the complaint is material for filing a petition under Section [473 CrPC.](#)]
42. **Dharam Pal v. State of Haryana** [\(2014\) 3 SCC 306](#) [The Magistrate has to apply his mind to a final report/charge-sheet or challan and proceed with the matter as per the provisions stipulated in the Code.
43. **K. V. Rajendra v. Superintendent of Police, Chennai & Ors,** (2013) 12 SCC 480 [Where the investigation is complete & charge-sheet filed, ordinarily superior courts should not reopen the investigation and it be left open to the court to proceed with the matter in accordance with law.]
44. **Mohammed Ajmal Mohammad Amir Kasab v. State of Maharashtra** AIR 2012 SC 3565 [This Fundamental Right is implicit in the requirement of reasonable, fair and just procedure prescribed by Article 21. The magistrate is duty bound to inform the accused of his right to consult a lawyer of choice and in case the accused is unable to afford the services of such a lawyer, to provide him/her a legal practitioner at State expense. The Supreme Court has directed all magistrates in the country to faithfully discharge the aforesaid obligation and opined that any failure to fully discharge this duty would amount to dereliction in duty and would make the concerned magistrate liable to departmental proceedings. The guiding principle is that no accused must go unrepresented and he/she must be allowed access to a lawyer or provided with a lawyer from the time he/she comes into contact with the criminal justice system. The failure to provide a lawyer to the accused at the pretrial stage may not have the consequence of vitiating the trial. It may have other consequences like making the delinquent magistrate liable to disciplinary proceedings, or giving the accused a right to claim compensation against the State for failing to provide him/her with legal aid. But it would not vitiate the trial unless it is shown that failure to provide legal assistance at the pretrial stage had resulted in some material prejudice to the accused in the course of the trial.]

45. **State of U.P. v. Naresh and Ors** (2011) 4 SCC 324 [*The Supreme Court observed “every accused is assumed to be innocent unless his guilt is proved. The presumption of innocence is a human right subject to the statutory exceptions.”*]
46. **Himanshu Singh Sabharwal v. State of M.P.**, AIR 2008 SC 1943 [*If the fair trial envisaged under the Code is not imparted to the parties and court has reasons to believe that prosecuting agency or prosecutor is not acting in the requisite manner the court exercise its power under Section 311 of the Criminal Procedure Code or under Section 165 of the Indian Evidence Act, 1872 to call in for the material witness and procure the relevant documents so sub serve the cause of justice.*]
47. **Sakiri Vasu v. State of U.P. & Ors** (2008) 2 SCC 409 [*The Supreme Court made important observations regarding the role of the magistrate during an investigation. It was held that a magistrate can pass directions to ensure that a “proper investigation” is made, and that magistrates had “all such powers which are necessary to ensure that a proper investigation is made” which include “monitoring” an investigation.*]
48. **Zahira Habibullah Sheikh and Ors. v. State of Gujarat and Ors** (2006) 3 SCC 374 [*The Supreme Court of India observed “each one has an inbuilt right to be dealt with fairly in a criminal trial. Denial of a fair trial is as much injustice to the accused as it is to the victim and to society. Fair trial means a trial in which bias or prejudice for or against the accused, the witness or the cause which is being tried, is eliminated.*]
49. **D.K. Basu v. State of West Bengal** [\(1997\) 1 SCC 416](#) [*The Supreme Court laid down the guidelines which must be followed by every police officer conducting arrest.*]
50. **Nilabati Behera v. State of Odisha** [\(1993\) 2 SCC 746](#) [*The precious right guaranteed by Article 21 of the Constitution of India cannot be denied to convicts, under trials, or other prisoners in custody, except according to procedure established by law. There is a great responsibility on the police or prison authorities to ensure that the citizen in its custody is not deprived of his right to life. The Supreme Court affirmed that Article 32 empowers courts to grant compensation for deprivation of a fundamental right. The Court explained that without this power to render compensation, the Court’s role as a protector of constitutional rights is merely a mirage, and might even create an incentive to torture in certain circumstances.*]
51. **Shyam Singh v. State of Rajasthan** 1973 CrI. LJ 441, 443 (Raj) [*For ensuring fair trial, it has to be checked whether there exists a circumstance according to which a litigant could reasonably apprehend that a bias attributable to a judicial officer must have operated against him in the final decision of the case and not that if a bias could have affected the judgment.*]
52. **Khatri v. State of Bihar** (1981) 2 SCC 493 [*The court held that the accused is entitled to free legal services not only at the stage of trial but also when first produced before the Magistrate and also when remanded.*]
53. **Hussainara Khatoon & Ors v. Home Secretary, State Of Bihar**, 1979 AIR 1369 [*Gave broader meaning to Article 21 and stated that everyone has the right to a prompt trial. It is the most well-known case involving the human rights of Indian inmates.*]

SESSION 8

ROLE OF MAGISTRATE IN REMAND & BAIL

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2.	Hasit B. Seth, <i>Impossibility Exception to the S.65-B(4) Electronic Evidence Certificate (June 1, 2021)</i> . Available at SSRN: https://ssrn.com/abstract=3859581	1214
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4.	<i>Standard Operating Procedures for the collection, analysis and presentation of electronic evidence</i> , Prepared by Cybercrime Programme Office of the Council of Europe (C-PROC) – 12 th September 2019	1242
5.	Sake Jyothi, <i>Electronic Evidence-An Overview</i> , (2024), Available at: https://cdnbbsr.s3waas.gov.in/s3ec030b6ace9e8971cf36f1782aa982a7/uploads/2024/12/2024121034.pdf	1279
6.	Dr. Anju Sinha, <i>Digital Proofs and Legal Admissibility: Understanding Electronic Evidence under The Bharatiya Sakshya Adhiniyam</i> , Revista electrónica de Veterinaria - ISSN 1695-7504 Vol 25, No.2 (2024)	1300
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1.	Ravinder Singh Alias Kaku v. State of Punjab (2022) 7 SCC 581 [Indian Evidence Act, 1872; Section 65B(4) - Certificate under Section 65B(4) is a mandatory requirement for production of electronic evidence - Oral evidence in the place of such certificate cannot possibly suffice. Criminal Trial - Circumstantial Evidence - Where a case rests squarely on circumstantial evidence, the inference of guilt can be justified only when all the incriminating facts and circumstances are found to be incompatible with the innocence of the accused. The circumstances from which an inference as to the guilt of the accused is drawn have to be proved beyond reasonable doubt and have to be shown to be closely connected with the principal fact sought to be inferred from those circumstances.]	
2.	Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal & Ors , (2020) 7 SCC 1 [Held that the certificate required under Section 65B(4) is a condition precedent to the admissibility of evidence by way of electronic record, as correctly held in by the 3-judge bench in Anvar P.V. v. P.K. Basheer , (2014) 10 SCC 473, and incorrectly “clarified” by a division bench in Shafhi Mohammad v. State of Himachal Pradesh , (2018) 2 SCC 801. The Court further clarified that the required certificate under Section 65B (4) is unnecessary if the original document itself is produced. The Court was hearing the reference from the July 26, 2019 order where, after quoting Anvar P.V. v. P.K. Basheer , (2014) 10 SCC 473 (a three Judge Bench decision of this Court), it was found that a Division Bench judgment in Shafhi Mohammad	

- v. State of Himachal Pradesh, (2018) 2 SCC 801 may need reconsideration by a Bench of a larger strength. The Division bench, in the **Shafhi Mohammad judgment**, had “clarified” that the requirement of a certificate under Section 64B(4), being procedural, can be relaxed by the Court wherever the interest of justice so justifies, and one circumstance in which the interest of justice so justifies would be where the electronic device is produced by a party who is not in possession of such device, as a result of which such party would not be in a position to secure the requisite certificate.*
3. **P. Gopalkrishnan v. State of Kerala and Anr.**, (2020) 9 SCC 161 [*The contents of the memory card/pen drive being electronic record must be regarded as a document. If the prosecution was relying on the same, ordinarily, the Accused must be given a cloned copy thereof to enable him/her to present an effective defence during the trial. However, in cases involving issues such as of privacy of the complainant/witness or his/her identity, the Court may be justified in providing only inspection thereof to the Accused and his/her lawyer or expert for presenting effective defence during the trial. The court may issue suitable directions to balance the interests of both sides.*]
 4. **State by Karnataka Lokayukta, Police Station, Bengaluru v. M.R. Hiremath**, (2019) 7 SCC 515 [*Requirement of producing a certificate arises, when the electronic record is sought to be used as evidence*]
 5. **Shamsher Singh Verma v. State of Haryana**, (2016) 15 SCC 485 [*The object of Section 294 Code of Criminal Procedure is to accelerate pace of trial by avoiding the time being wasted by the parties in recording the unnecessary evidence. Where genuineness of any document is admitted, or its formal proof is dispensed with, the same may be read in evidence. In view of the definition of 'document' in Evidence Act, and the law laid down by this Court, the Court held that the compact disc is also a document. It is not necessary for the court to obtain admission or denial on a document Under Sub-section (1) to Section 294 Code of Criminal Procedure personally from the accused or complainant or the witness. The endorsement of admission or denial made by the counsel for defence, on the document filed by the prosecution or on the application/report with which same is filed, is sufficient compliance of Section 294 Code of Criminal Procedure. Similarly on a document filed by the defence, endorsement of admission or denial by the public prosecutor is sufficient and defence will have to prove the document if not admitted by the prosecution. In case it is admitted, it need not be formally proved, and can be read in evidence. In a complaint case such an endorsement can be made by the counsel for the complainant in respect of document filed by the defence.*
 6. **Anvar PV v. P.K. Basheer and Ors.**, (2014) 10 SCC 473 [*The Court held that for any electronic evidence to be admissible in its secondary form, it is necessary to meet the mandatory requirements of Section 65-B, which includes giving a certificate as per terms of Section 65-B (4), at the time of proving the record and not anytime later, failing which the electronic record will be considered inadmissible.*]
 7. **Gajraj v. State (NCT of Delhi)**, (2011) 10 SCC 675 [*The court observed that the IEMI number of mobile phone (sim) registered in the name of a person being evidence of a conclusive nature, it cannot be discarded on the basis of minor discrepancies especially when there is serious discrepancy in oral evidence.*]
 8. **Virendra Khanna v. State of Karnataka**, 2021 SCC OnLine Kar 5032 [*Suo moto order or Direction by a Court to Share Passwords, Passcodes, Biometrics*]
 9. **Rakesh Shetty v. State of Karnataka**, 2020 SCC OnLine Kar 4638 [*whether the investigating agency can retain the user name and password of social media/digital platform like Facebook and YouTube pending investigation?*]

SESSION 10

SENTENCING POLICY UNDER BNS, 2023

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2.	Dr Amit Mchrotra, <i>The Evolution of Criminal Law in Ancient India and Modern Reforms: From Dharma to The Bharatiya Nagarik Suraksha Sanhita (BNSS)</i>	1369
3.	Priyanshi Gupta, <i>Community Service: As a Part of Sentence in India</i>	1385

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