

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

2025 PHHC 135036



CRM-M-54028-2025 (O&M)

Reserved on: 24.09.2025

Pronounced on: 25.09.2025

Mahender Pratap Singh

....Petitioner

Versus

Central Bureau of Investigation and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Ashok Aggarwal, Senior Advocate with
Mr. Nilesh Bhardwaj, Mr. Harish Chhabra, Advocates
for the petitioner.

Mr. Ravi Kamal Gupta, Advocate for respondent-CBI.

Mr. Navkiran Singh, Advocate for respondent No.2.

AMAN CHAUDHARY, J.

1. The present petition under Section 528 BNSS has been filed for setting aside the order dated 02.08.2025, Annexure P-6, passed by the Court of Special Judicial Magistrate, CBI Haryana at Panchkula, whereby the application of respondent No.2 for conducting his cross examination through video conferencing was allowed.

2. Notably, respondent No.2, filed CWP-13395-2012, with the assistance of the lawyers for Human Rights International to espouse his cause, praying for direction to mark the inquiry to CBI with regard to the allegations of around 400 Sadhus of Dera Sacha Sauda being castrated through the doctors, who were disciples of Gurmeet Ram Rahim.

3. On the directions issued by this Court vide order dated 23.12.2014, CBI registered a case and after conducting investigation, charge-sheet and

supplementary charge-sheet having been presented in the years 2018 and 2020, charges were framed under Sections 120-B read with 417, 326, 506 of IPC against Gurmeet Ram Rahim, Dr. Pankaj Garg and Dr. Mahender Pratap Singh-petitioner. There are a total of 92 witnesses. Examination-in-Chief of PW-1-respondent No.2 and PW2 is stated to have been recorded.

4. Learned Senior Counsel has laid considerable emphasis that the Court is to observe the demeanour of the one deposing which cannot be possible by appearance through video conferencing, as the presence by the physical mode cannot be replaced. Further that it amounts to curtailment of the rights of the accused for cross examination and the same is not in the interest of justice as well. Such submissions stand dealt with *in extenso* by Hon'ble the Supreme Court in its landmark judgment of **State of Maharashtra vs. Praful B. Desai**¹, wherein the challenge was to the disallowing of prayer for recording the evidence of a witness, residing outside of India by VC, as it could not be treated to be in the presence of the accused, which was set aside, by holding, in context of Section 273 Cr.P.C., that virtual presence would meet the requirement of 'presence', while observing that the right of an accused would not be infringed. The relevant paras whereof read thus:

“19. At this stage we must deal with a submission made by Mr Sundaram. It was submitted that video-conferencing could not be allowed as the rights of an accused, under Article 21 of the Constitution of India, cannot be subjected to a procedure involving “virtual reality”. Such an argument displays ignorance of the concept of virtual reality and also of video-conferencing. Virtual reality is a state where one is made to feel, hear or imagine what does not really exist. In virtual reality, one can be made to feel cold when one is sitting in a hot

¹ (2003) 4 SCC 601

room, one can be made to hear the sound of the ocean when one is sitting in the mountains, one can be made to imagine that he is taking part in a Grand Prix race whilst one is relaxing on one's sofa etc. Video-conferencing has nothing to do with virtual reality. Advances in science and technology have now, so to say, shrunk the world. They now enable one to see and hear events, taking place far away, as they are actually taking place. To take an example, today one does not need to go to South Africa to watch World Cup matches. One can watch the game, live as it is going on, on one's TV. If a person is sitting in the stadium and watching the match, the match is being played in his sight/presence and he/she is in the presence of the players. When a person is sitting in his drawing room and watching the match on TV, it cannot be said that he is in the presence of the players but at the same time, in a broad sense, it can be said that the match is being played in his presence. Both, the person sitting in the stadium and the person in the drawing room, are watching what is actually happening as it is happening. This is not virtual reality, it is actual reality. One is actually seeing and hearing what is happening. Video-conferencing is an advancement in science and technology which permits one to see, hear and talk with someone far away, with the same facility and ease as if he is present before you i.e. in your presence. In fact he/she is present before you on a screen. Except for touching, one can see, hear and observe as if the party is in the same room. In video-conferencing both parties are in the presence of each other. The submissions of the respondents' counsel are akin to an argument that a person seeing through binoculars or telescope is not actually seeing what is happening. It is akin to submitting that a person seen through binoculars or telescope is not in the "presence" of the person observing. Thus it is clear that so long as the accused and/or his pleader are present when evidence is recorded by video-conferencing that evidence is

being recorded in the “presence” of the accused and would thus fully meet the requirements of Section 273 of the Criminal Procedure Code. Recording of such evidence would be as per “procedure established by law”.

20. Recording of evidence by video-conferencing also satisfies the object of providing, in Section 273, that evidence be recorded in the presence of the accused. The accused and his pleader can see the witness as clearly as if the witness was actually sitting before them. In fact the accused may be able to see the witness better than he may have been able to if he was sitting in the dock in a crowded courtroom. They can observe his or her demeanour. In fact the facility to playback would enable better observation of demeanour. They can hear and rehear the deposition of the witness. The accused would be able to instruct his pleader immediately and thus cross-examination of the witness is as effective, if not better. The facility of playback would give an added advantage whilst cross-examining the witness. The witness can be confronted with documents or other material or statement in the same manner as if he/she was in court. All these objects would be fully met when evidence is recorded by video-conferencing. Thus no prejudice, of whatsoever nature, is caused to the accused. Of course, as set out hereinafter, evidence by video-conferencing has to be on some conditions.

21. Reliance was then placed on Sections 274 and 275 of the Criminal Procedure Code which require that evidence be taken down in writing by the Magistrate himself or by his dictation in open court. It was submitted that video-conferencing would have to take place in the studio of VSNL. It was submitted that this would violate the right of the accused to have the evidence recorded by the Magistrate or under his dictation in open court. The advancement of science and technology is such that now it is possible to set up video-conferencing equipment in the court itself. In that case evidence would be recorded by the

Magistrate or under his dictation in open court. If that is done then the requirements of these sections would be fully met. To this method there is, however, a drawback. As the witness is now in court there may be difficulties if he commits contempt of court or perjures himself and it is immediately noticed that he has perjured himself. Therefore as a matter of prudence, evidence by video-conferencing in open court should be only if the witness is in a country which has an extradition treaty with India and under whose laws contempt of court and perjury are also punishable.

22. ...Thus in cases where the witness is necessary for the ends of justice and the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case would be unreasonable, the court may dispense with such attendance and issue a commission for examination of the witness. As indicated earlier, Dr Greenberg has refused to come to India to give evidence. His evidence appears to be necessary for the ends of justice. Courts in India cannot procure his attendance. Even otherwise, to procure attendance of a witness from a far-off country like USA would generally involve delay, expense and/or inconvenience. In such cases commissions could be issued for recording evidence. Normally a commission would involve recording evidence at the place where the witness is. However, advancement in science and technology has now made it possible to record such evidence by way of video-conferencing in the town/city where the court is. Thus in cases where the attendance of a witness cannot be procured without an amount of delay, expense or inconvenience, the court could consider issuing a commission to record the evidence by way of video-conferencing.”

(emphasis supplied)

5. Relying on the foregoing law, in **Vinod Kumar vs. State (NCT of**

Delhi)², which was not challenged and the issues similar to the ones as raised in the present case arose, regards the examination and cross-examination of witness/victim, through physical presence and the corresponding dilution of the rights of an accused, the Delhi High Court observed and held thus:

“C. Judicial Precedents Qua Recording of Evidence of Witnesses Through Video-Conferencing

33. At this juncture, this Court deems it apposite to analyse as to whether the statutory law and judicial precedents of the Hon’ble Apex Court allow a victim of sexual assault, who is a foreign citizen for the purpose of recording evidence through video-conferencing in a criminal trial.

34. An examination of the legal framework in this regard reveals that this issue was considered, at length, by the Hon’ble Apex Court in case of State of Maharashtra v. Dr. Praful B. Desai 2003 4 SCC 601. The broad propositions laid down by the Hon’ble Apex Court were as under:

a) Recording of evidence via video-conferencing satisfies the object of Section 273 of Cr.P.C., that the evidence must be recorded in the presence of the accused, and no prejudice is caused to the accused.

b) In video-conferencing, both the victim and the accused are in the presence of each other, and except for touching, one can see, hear and observe as if the party is in the same room.

c) Demeanour of a witness can be clearly observed when the witness testifies through video-conferencing.

d) Since the equipment used in facilitating video-conferencing can be set up in the Court room, the judge can record the evidence himself or through dictation in open court room.

e) If the equipment cannot be set up in court, provisions of Sections 284 to 289 of Cr.P.C. can be resorted to, and

² 2023 SCC OnLine Del 8287

commissions can be issued for examination of witnesses.

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D. Embracing the Technology while Balancing the Rights of Accused and Victim in a Criminal Trial

37. In view of the preceding discussion, it stands adequately clarified that the fundamental law regarding open court hearings and the presence of the witness, has been modified by judicial precedents, as discussed, and with the consequent adoption of vulnerable witness schemes, which are being followed in the entire country. This Court also notes that these schemes also provide an option for the examination of vulnerable witnesses, including witnesses of sexual assault, by means of technology, rather than recording their evidence in person.

38. There can be no denying that the technology in today's world is so advanced that the testimony of a witness can be recorded by electronic means and the same can be easily accomplished without compromising with the fundamental principles of criminal law and justice.

39. The use of video-conferencing facility, in lieu of physical appearance, for recording of testimony of a victim of sexual assault has been allowed by the Hon'ble Apex Court, in cases as discussed above, and the same is rather one of the procedures laid down in the cases involving vulnerable witnesses, as per the '*Guidelines For Recording Of Evidence Of Vulnerable Witnesses In Courtrooms*' issued by this Court.

40. There is history and purpose of use of vulnerable witnesses rooms and recording their testimony through such different procedures, instead of a physical face-to-face confrontation of the victim and the accused, at the time of trial.

41. This Court is of the view that the facility of video-conferencing through which the testimony of the prosecutrix can be allowed to be recorded, in the present case also, is not a one way facility of videoconferencing, but a

two-way video-conferencing facility, which includes the element of participation of the accused, the victim, the learned prosecutor, learned defence counsel and the learned Trial Court Judge and following all the principles of criminal justice system, such as:

(a) administrating of rule to the witness;

(b) recording of testimony of the witness in the presence of the learned Judge of Trial Court, the learned defence counsel and the learned APP for the State, who all will be able to see the witness;

(c) cross-examination of the witness by the learned defence counsel.

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E. Evidence via Video-Conferencing viz.-a-viz Recording of Demeanour of Witness

42. One of the concerns raised in this petition, is that whether the learned Trial Court will be able to make assessment of the credibility of the witness if the witness/prosecutrix is allowed to testify through video-conferencing, since the judge will not be able to assess the demeanour of the witness. As far as this contention is concerned, this Court is of the opinion that the physical demeanour of the witness cannot be the sole criteria or determinative of the credibility of the witness. However, at the same time, the demeanour of the witness will also be visible to the judge as when evidence is being recorded through video-conferencing, as also in cases where testimony of the witnesses is recorded in vulnerable witness rooms. The witness will be visible to the learned Trial Court, learned Prosecutor and learned defence counsel on the screen.

43. Even the 'High Court of Delhi Rules for Video Conferencing for Courts 2021' take into consideration the importance of noting demeanour, and in Rule 8.6, provides as under:

“8. Examination of persons

8.6 The Court would be at liberty to record the demeanour of the person being examined...”

44. As also held by the Hon’ble Apex Court in case of Dr. Praful B. Desai (supra), in cases where evidence is recorded via videoconferencing, the accused may be able to see the witness better than he would have in the courtroom and would also enable better observation of demeanour.

45. This Court is also of the opinion that the learned Trial Court’s ability to assess and appreciate the evidence of the witness will be as per law and the facts of the case, and it will not be affected negatively by the fact of prosecutrix testifying through video-conferencing. If the witness is allowed to appear on a large monitor, the learned Trial Judge, the defence counsel as well as the learned prosecutor and accused will be able to see the witness while she will be testifying and will be cross-examined. The test of credibility, reliability and quality of her evidence will, therefore, depend on the testimony i.e. the examination-in-chief and the cross-examination by the learned defence counsel, and other factors which have to be taken into account while adjudicating a criminal case.”

(emphasis supplied)

6. Learned Senior counsel has, during the course of arguments also stated that there was no threat to the family of the witness-respondent No.2 and that the security provided to them stood withdrawn, which was countered by learned counsel for the respondents, who submitted that it had since been restored under the orders of the Court.

7. Afterall, it is only natural, to save ones life, for which apparently respondent No.2, left the country, no matter if at some point of time, he may have braved all odds, prayer made in the application, thus cannot be said to be unreasonable, which stood allowed taking the totality of circumstances and the

law into consideration and learned counsel for CBI has apprised that in compliance to directions contained in paras 43 and 44 of the impugned order, necessary steps have already been taken. At this juncture, it would be apposite to refer to the relevant portion of the said order, which reads thus:

“31. Let, me first deal with the objections raised against the aforesaid application by learned counsel for accused. So far as plea of learned counsel Sh. P.K. Sandhir appearing on behalf of accused No.2 regarding non-maintainability of the application on the ground that it has been moved by the witness and not forwarded by prosecution is concerned, this objection is not tenable in the eyes of law because even the witness does have right to move such application for getting his/her testimony recorded through Video Conferencing in view of the case laws relied upon by learned counsel for witness.

32. So far as other objection raised by learned counsel for defence regarding prosecution being proxy in nature is concerned, this objection has no bearing on the merits of this application. Otherwise also, whether FIR was registered on the complaint of PW-1 directly or on the basis of writ petition filed in the Hon'ble High Court, it is immaterial for deciding this application because once the criminal machinery has brought into motion, then, whether FIR was registered by order of Hon'ble Punjab & Haryana High Court or directly by complainant, becomes inconsequential and this objection pales into insignificance, at least for purpose of deciding this application.

33. So far as plea of learned counsel for accused regarding examination-in-chief of PW-1 recorded already on three dates i.e. 21.08.2018, 19.09.2018 and 28.09.2018 and non filing of any complaint regarding alleged threat to the witness during that period which disentitles him from moving of this application for recording of his evidence through V.C. is concerned, this objection is also not tenable in the eyes of law

because even if the version of witness regarding receipt of any threat perception from A-1 is not relied upon by the Court, even then the witness has right to move application to get his cross-examination recorded through V.C. on the ground of long distance of more than 13000 kms, on the ground of incurring of huge travelling expenses and lastly on the ground of extreme inconvenience likely to be caused to him.

34. So far as failure on the part of witness to make any complaint to the Court regarding receipt of any such threat to his life before leaving India is concerned, this Court has not delved deep on the issue of security because there are other grounds like long distance, delay, huge expenses and extreme hardship to the witness, which are required to be taken into consideration for recording of evidence without causing any prejudice to the right of the accused to fair trial. If the Court had inclined to get his testimony recorded by physical appearance in that eventuality the Court would have taken care of security also. However, I do agree with the submissions of Ld. counsel for accused that ideally, the witness should have informed the Court before leaving the country if he did not leave country under exceptional circumstances. But legally, there is no such specific condition or bar on the witness for taking prior permission from the Court before leaving the country because the applicant is a witness and not an accused. Otherwise also, he is ready to get his cross examination recorded through Video Conferencing. Therefore, I am unable to agree with the submissions of learned counsel for accused on this point also.

35. So far as next ground taken by the learned counsel for accused regarding alleged ulterior motive of moving this application for seeking asylum in USA on the basis of order of this Court is concerned, this objection for opposing this application is also not tenable in the eyes of law because whether PW-1 is eligible for asylum or not in USA, is a matter

to be decided by the US authorities. Otherwise also, the request for getting testimony recorded through V.C. can be decided on several other material factors like long distance, delay, huge expenses, extreme inconvenience likely to cause to the witness, if he is ordered to appear in person.

36. So far as apprehensions of the accused regarding problem being faced by the learned counsel for accused for getting several documents confronted from the witness through Video Conferencing is concerned, I do agree with the submissions of learned counsel for accused on this point that a little bit inconvenience would be caused not only to the learned counsel for accused but also to the Court and to prosecution in putting the voluminous record to the witness through camera but here, the Court has to balance the conflicting interests of the parties i.e. inconvenience caused to the witness in coming from USA situated at thousands of kilometers after incurring huge traveling expenses viz-a-viz the inconvenience caused to the defence counsel in putting the documents to the witness in a single day Court proceedings. Otherwise also, there is a document visualizer which can be pressed into service for making available, the documents to the witness through the screen of the computer easily. Therefore, this objection is also not tenable in the eyes of law.

37. So far as difference in timings in India and USA is concerned, the Hon'ble High Court, has dealt with this issue in Sucha Singh case (Supra) and evidence can be recorded with the help of Indian Consulate in USA. In this regard, Investigating Officer can be directed to make necessary correspondence with Indian Embassy in USA through Ministry of External Affairs and the designated officer would coordinate with the Indian Consulate Office in USA for purpose of recording evidence of this witness through Video Conferencing in the Court hours, by ensuring the integrity of deposition.

38. So far as objection raised by the learned counsel for

accused that the authorities relied upon by learned counsel for applicant/witness are not applicable to the fact of this case is concerned, this objection is not tenable in the eyes of law because whatever may be nature of proceedings, be it recovery suit, be it proceedings under HMA or proceedings in Hon'ble High Court facility of Video Conferencing in all types of Court proceedings has been allowed by the Hon'ble High Court and Hon'ble Supreme Court of India in number of cases (Supra) relied upon by learned counsel for applicant/witness.

39. In the case in hand, examination-in-chief of this applicant/witness (PW-1) has already been recorded in 2019 on three dates. The cross-examination can be recorded through Video Conferencing because the learned counsel for accused shall prepare their questionnaires in advance apart from few questions which can be put to witness on the spot and the accused shall supply the documents sought to be used for purpose of confrontation of the witness, to Court at least one day before the date fixed for recording of evidence of the witness, in view of law laid down in Parminder Singh case (Supra).

40. Moreover, in all the aforesaid cases relied upon by the learned counsel for applicant/witness, there has been consistent view of Hon'ble Punjab & Haryana High Court and that of Hon'ble Supreme Court of India that in view of latest scientific and technological advancements made in the field of Science, facility of Video Conferencing should be allowed to be used by the Court for benefit of parties and witnesses and not even a single case, prayer of any party or witness for use of Video Conferencing has been denied by Hon'ble Punjab & Haryana High Court or by Hon'ble Supreme Court of India. Rather, Hon'ble Supreme Court of India has directed all the Courts in India to promote use of technological advancement in form of Video Conferencing and to ensure that "the presence of a party as a witness in foreign country must be in a secure place and

that the questions posed and answers to be elicited shall be done without any props or devices to respond which will undermine the integrity of the deposition”. Similar view has been taken by Hon’ble Punjab & Haryana High Court in Parminder Singh case (Supra).

41. Therefore, in such circumstances, when the Hon’ble Supreme Court of India has promoted and appreciated the use of Video Conferencing in Courts in all proceedings for benefit of litigants and witnesses in view of long distance of more than 13000 kms (between India and USA), in view of incurring of huge traveling expenses by the witness, and in view of extreme hardship and inconvenience, likely to be caused to the witness by appearing physically in the Court, the said application (IA/79/2025) moved by the applicant/witness for getting his cross-examination recorded through Video Conferencing is allowed, subject to co-operation of the witness and subject to certain other safeguards are required to be taken by prosecution by co-ordinating with officials of Indian Consulate in USA with a view to maintain the integrity of deposition. ”

8. Hon’ble the Supreme Court in **Sujoy Mitra vs. State of W.B.**³, while giving detailed directions for recording the examination of a prosecutrix, living in Ireland had observed that, “...In case of there being any difficulty in recording the testimony of the witness concerned, it is always open to the trial court to seek appropriate assistance (based on, or independently of such plea raised by a party to the proceeding), as may be required by the trial court, for a truthful recording of the testimony of the witness concerned. We are of the view, that furnishing recorded video-graphic testimony to an accused may eventually turn out to be a cumbersome process, if the same has to be replicated in all cases. Specially because this procedure is increasingly being adopted, by allowing the accused to participate in their trials, from jail premises also (at certain stages of the trial). And

³ (2015) 16 SCC 615

furthermore, it is likely to lead more record, which will also have to be maintained for its safe custody. What has been allowed to the accused herein, is what an ordinary accused would be entitled to, had the statement been recorded by the trial court itself.”

9. Moreover, Hon’ble the Supreme Court in **Guidelines for Court Functioning through Videoconferencing during Covid-19 Pandemic, In re⁴**, while finding the judicial recognition of the use of technology in precedent of Praful B. Desai (supra), held that the term “evidence” includes electronic evidence and that videoconferencing may be used to record the same. It observed that developments in technology have opened up the possibility of virtual courts which are similar to physical courts.

10. In the case of **Jitendra @ Jitu Soni vs. The State of Madhya Pradesh⁵**, the Court had dismissed the petition filed by the accused finding no illegality committed by the trial Court in allowing the prosecutrix, a resident of Mumbai, to be cross-examined by video conferencing only, by observing that such procedure would only expedite trial.

11. In today’s day and age, for the petitioner to resist proceedings to take place through the mode of a two way Video Conferencing, in the presence of their respective counsel appears to be a delaying tactic, the present petition having been preferred on 22.09.2025, a day prior to the next date of hearing, though the impugned order was passed on 02.08.2025.

12. It may be pointed out here that this Court, has framed ‘Rules for Video Conferencing for Courts’, as notified on 10.12.2021, relevant of which read thus:

“Chapter III- Procedure for Video Conferencing

⁴ (2020) 6 SCC 686

⁵ Misc. Criminal Case No. 36970 of 2025, dated 22.08.2025

6. Application for Appearance, Evidence and Submission by Video Conferencing:

6.1 Any party to the proceeding or witness, save and except where proceedings are initiated at the instance of the Court, may move a request for video conferencing. A party or witness seeking a video conferencing proceeding shall do so by making a request in the form prescribed in Schedule II.

6.2 Any proposal to move a request to for video conferencing should first be discussed with the other party or parties to the proceeding, except where it is not possible or inappropriate, for example in cases such as urgent applications.

6.3 On receipt of such a request and upon hearing all concerned persons, the Court will pass an appropriate order after ascertaining that the application is not filed with an intention to impede a fair trial or to delay the proceedings.

6.4 While allowing a request for video conferencing, the Court may also fix the schedule for convening the video conferencing.

6.5 In case the video conferencing event is convened for making oral submissions, the order may require the Advocate or party in person to submit written arguments and precedents, if any, in advance on the official email ID of the concerned Court.

6.6 Costs, if directed to be paid, shall be deposited within the prescribed time, commencing from the date on which the order convening proceedings through video conferencing is received.

7. Service of Summons

Summons issued to a witness who is to be examined through video conferencing, shall mention the date, time and venue of the concerned Remote Point and shall

direct the witness to attend in person along with proof of identity or an affidavit to that effect. The existing rules regarding service of summons and the consequences for non-attendance, as provided in the CPC and CrPC shall apply with respect to service of summons for proceedings conducted by video conferencing.

8. Examination of persons

8.1 Any person being examined, including a witness shall, before being examined through video conferencing, produce and file proof of identity by submitting an identity document issued or duly recognized by the Government of India, State Government, Union Territory, or in the absence of such a document, an affidavit attested by any of the authorities referred to in Section 139 of the CPC or Section 297 of the CrPC, as the case maybe. The affidavit will inter alia state that the person, who is shown to be the party to the proceedings or as a witness, is the same person, who is to depose at the virtual hearing. A copy of the proof of identity or affidavit, as the case may be, will be made available to the opposite party.

8.2 The person being examined will ordinarily be examined during the working hours of the concerned Court or at such time as the Court may deem fit. The oath will be administered to the person being examined by the Coordinator at the Court Point.

8.3 Where the person being examined, or the accused to be tried, is in custody, the statement or, as the case may be, the testimony, may be recorded through video conferencing. The Court shall provide adequate opportunity to the under-trial prisoner to consult in privacy with their counsel before, during and after the video conferencing.

8.4 Subject to the provisions for examination of

witnesses contained in the Evidence Act, before the examination of the witness, the documents, if any, sought to be relied upon shall be transmitted by the applicant to the witness, so that the witness acquires familiarity with the said documents. The applicant will file an acknowledgement with the Court in this behalf.

8.5 If a person is examined with reference to a particular document then the summons to witness must be accompanied by a duly certified photocopy of the document. The original document should be exhibited at the Court Point in accordance with the deposition of the concerned person being examined.

8.6 The Court would be at liberty to record the demeanour of the person being examined.

8.7 The Court will note the objections raised during the deposition of the person being examined and rule on them.

8.8 The Court shall obtain the signature of the person being examined on the transcript once the examination is concluded. The signed transcript will form part of the record of the judicial proceedings. The signature on the transcript of the person being examined shall be obtained in either of the following ways:

8.8.1 If digital signatures are available at both the concerned Court Point and Remote Point, the soft copy of the transcript digitally signed by the presiding Judge at the Court Point shall be sent by the official email to the Remote Point where a print out of the same will be taken and signed by the person being examined. A scanned copy of the transcript digitally signed by the Coordinator at the Remote Point would be transmitted by official email of the Court Point. The hard copy of the signed transcript will be dispatched after the

testimony is over, preferably within three days by the Coordinator at the Remote Point to the Court Point by recognized courier/ registered speed post.

8.8.2 If digital signature are not available, the printout of the transcript shall be signed by the presiding Judge and the representative of the parties, if any, at the Court Point and shall be sent in non-editable scanned format to the official email account of the Remote Point, where a printout of the same will be taken and signed by the person examined and countersigned by the Coordinator at the Remote Point. A noneditable scanned format of the transcript so signed shall be sent by the Coordinator of the Remote Point to the official email account of the Court Point, where a print out of the same will be taken and shall be made a part of the judicial record. The Hard copy would also be dispatched preferably within three days by the Coordinator at the Remote Point to the Court Point by recognized courier/ registered speed post.

8.9 An audio-visual recording of the examination of person examined shall be preserved. An encrypted master copy with hash value shall be retained as a part of the record.

8.10 The Court may, at the request of a person to be examined, or on its own motion, taking into account the best interests of the person to be examined, direct appropriate measures to protect the privacy of the person examined bearing in mind aspects such as age, gender, physical condition and recognized customs and practices.

8.11 The Coordinator at the Remote Point shall ensure that no person is present at the Remote Point, save and

except the person being examined and those whose presence is deemed administratively necessary by the Coordinator for the proceedings to continue.

8.12 The Court may also impose such other conditions as are necessary in a given set of facts for effective recording of the examination (especially to ensure compliance with Rule 5.6.4)

8.13 The examination Shall, as far as practicable, proceed without interruption or the grant of unnecessary adjournments. However, the Court or the Commissioner as the case may be, will be at liberty to determine whether an adjournment should be granted, and if so, on what terms.

8.14 The Court shall be guided by the provisions of the CPC and Chapter XXIII, Part B of the CrPC, the Evidence Act and the IT Act while examining a person through video conferencing.

8.15 Where a Required Person is not capable of reaching the Court Point or the Remote Point due to sickness or physical infirmity, or presence of the required person cannot be secured without undue delay or expense, the Court may authorize the conduct of video conferencing from the place at which such person is located. In such circumstances the Court may direct the use of portable video conferencing system. Authority in this behalf may be given to the concerned Coordinator and/or any person deemed fit by the Court.

8.16 Subject to such orders as the Court may pass, in case any party or person authorized by the party is desirous of being physically present at the Remote Point at the time of recording of the testimony, such a party shall make its own arrangement for appearance/representation at the Remote Point.

9. Exhibiting or Showing Documents to Witness or Accused

at a Remote Point

If in the course of examination of a person at a Remote Point by video conferencing, it is necessary to show a document to the person, the Court may permit the document to be shown in the following manner:

9.1 If the document is at the Court Point, by transmitting a copy or image of the document to the Remote Point electronically, including through a document visualizer; or

9.2 If the document is at the Remote Point, by putting it to the person and transmitting a copy/image of the same to the Court Point electronically including through a document visualizer. The hard copy of the document counter signed by the witness and the Coordinator at the Remote Point shall be dispatched thereafter to the Court Point via authorized courier/ registered speed post or any other authorized means such as special messenger etc.

10. Ensuring seamless video conferencing

10.1 The Advocate or Required Person, shall address the Court by video conferencing from a specified Remote Point on the date and time specified in the order issued by the Court. The presence of the coordinator will not be necessary at the Remote point where arguments are to be addressed by an advocate or party in person before the Court.

10.2 If the proceedings are carried out from any of the Remote Point(s) (in situations described in Rules 5.3.1 to 5.3.9) the Coordinator at such Remote Point shall ensure compliance of all technical requirements. However, if the proceedings are conducted from a Remote Point falling in the situation contemplated under Rule 5.3.10, such as an Advocate's office, the Coordinator at the Court Point shall ensure compliance of all technical requirements for conducting video conferencing at both

the Court Point and the Remote Point.

10.3 The Coordinator at the Court Point shall be in contact with the concerned Advocate or the Required Person and guide them in regard to the fulfillment of technical and other requirements for executing a successful hearing through video conferencing. Any problems faced by such Remote Users shall be resolved by the Court Point Coordinator. The Court Point Coordinator shall inter alia share the link of the video conferencing hearing with such Remote Users.

10.4 The Coordinator at the Court Point shall ensure that any document or audiovisual files, emailed by the Remote User, are duly received at the Court Point.

10.5 The Coordinator at the Court Point shall also conduct a trial video Conferencing, preferably 30 minutes prior to scheduled video conferencing in order to ensure that all the technical systems are in working condition at both the Court Point and the Remote Point.

10.6 At the Scheduled time, the Coordinator at the Court Point shall connect the Remote User to the Court.

10.7 On completion of the video conferencing proceeding, the Court shall mention in the order sheet the time and duration of the proceedings, the software used (in case the software used is not the Designated Video Conferencing Software), the issue(s) on which the Court was addressed and the documents, if any, that were produced and transmitted online. In case a digital recording is tendered, the Court shall record its duration in the order sheet along with all other requisite details.

10.8 The Court shall also record its satisfaction as to clarity, sound and connectivity for both Court Users and Remote Users.

10.9 On the completion of video conferencing, if a Remote User is of the opinion that they were prejudiced

due to poor video and /or audio quality, the Remote User shall immediately inform the Coordinator at the Court Point, who shall in turn, communicate this information to the Court without any delay. The Court shall consider the grievance and if it finds substance in the grievance may declare the hearing to be incomplete and the parties may be asked to re-connect or make a physical appearance in Court.

11. Judicial remand, framing of charge, examination of accused and Proceedings under Section 164 of the CrPC.

11.1 The Court may, at its discretion, authorize detention of an accused, frame charges in a criminal trial under the CrPC by video conferencing. However, ordinarily judicial remand in the first instance or police remand shall not be granted through video conferencing save and except in exceptional circumstances for reasons to be recorded in writing.

11.2 The Court may, in exceptional circumstances, for reasons to be recorded in writing, examine a witness or an accused under Section 164 of the CrPC or record the statement of the accused under Section 313 CrPC through video conferencing while observing all due precautions to ensure that the witness or the accused as the case may be is free of any form of coercion, threat or undue influence. The Court shall ensure compliance with Section 26 of the Evidence Act.”

13. The judgments of different High Courts as referred to by learned Senior Counsel, these being **Mr. George Tarun Rajan vs. Mrs. Jasleen Kaur Walia⁶, R. Sridharan, California vs. R. Sukanya, Chennai⁷, T. G. Veeraprasad and others vs. Sri Prakash Gandhi and others⁸, and Bidyut Bikash Borgohain**

⁶ Law Finder Doc Id #2684101

⁷ Law Finder Doc Id #271313

⁸ 2022(3) Air Kar R 604

vs. Silpi Sikha Dowerah⁹, are distinguishable on facts and circumstances, thus do not come to the aid of the petitioner.

14. In view of the afore, this Court finds no illegality or perversity in the impugned order, it being well-founded. *Ex consequenti*, the present petition being sans merit, is hereby dismissed.

25.09.2025
parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No

⁹ Law Finder Doc Id #2354211