

COURT NO. 1, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

1.

OA 1072/2022

In the matter of :

Lt Col Krishan Bhandari

... Applicant

Versus

Union of India & Ors.

... Respondents

For Applicant : Shri Indra Sen Singh, Advocate

For Respondents : Shri Anil Kumar Gautam, Sr CGSC

CORAM :

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT. GEN. C P MOHANTY, MEMBER (A)

O R D E R
08.05.2023

After going through the video clippings in the chamber in presence of counsel for the parties and their representatives in pursuance to the order passed on 24.02.2023, and on consideration of the objections raised by learned counsel, Shri Indra Sen in his application MA 1853/2023, with regard to admissibility of the secondary evidence and the implication of Section 65B of the Indian Evidence Act in the matter of admission of electronic evidence. Before taking a decision on various issues that have been canvassed before us in this regard we deemed it appropriate to get the CD examined from a cyber expert and

get their opinion and then only proceed in the matter in accordance with law.

2. We can take judicial notice of the fact that the Ministry of Communication and Information Technology vide notification issued on 24.07.2013, in exercise of the powers conferred by them under Section 79A of the Information Technology Act has notified the Army Cyber Group situated at Signal Enclave Rao Tularam Marg, New Delhi, 110010, as examiner of electronic evidence within the Indian Army, for the purpose of Information Technology Act of 2008. That being so, we direct that the CD available on record which was produced before us and based on which the Court of Inquiry has recorded a finding be sent to the Army Cyber Group as indicated herein above for its examination and submission of report. The Deputy Registrar Judicial shall forward a copy of this order along with CD in a sealed cover, through a messenger to the Competent Officer of the Army Cyber Group who shall after examination of the same in accordance with requirement of the law and the provisions of the Information Technology Act shall submit a detailed report to us within six weeks.

3. The matter be placed before the Hon'ble chairperson in the chamber immediately after the receipt of the report. The records be kept with the Deputy Registrar Judicial in a sealed cover.

[RAJENDRA MENON]
CHAIRPERSON

[C P MOHANTY]
MEMBER (A)

/jyoti/namita