



RESEARCH QUESTION

"Is it legal in India to video-record police officers or install CCTV cameras on your own property, what privacy and evidence rules apply to such recordings, and what have courts held about recording public officials and CCTV in shared spaces?"

Legality, Privacy, and Admissibility of Private CCTV Surveillance and Video Recording of Public Officials in India

TL;DR

Installing CCTV on private property and recording public officials are legal in India but are subject to strict privacy boundaries and rigorous statutory evidence rules. While corridors in shared buildings can be recorded for security, cameras cannot target private spaces like a neighbor's bedroom, and recordings of public officials are admissible if they document an abuse of power. Under the Supreme Court's landmark ruling in *Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal* (2020), any such recording presented as secondary electronic evidence in court must strictly be accompanied by a mandatory certificate under Section 65B of the Indian Evidence Act (now Section 63 of the Bharatiya Sakshya Adhiniyam) to be admissible.

VERIFIED CASES	STATUTES	LATEST RULING
21	4	2025
15 High Courts · 6 SC		High Court of Delhi

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I. Detailed Analysis

KEY PRINCIPLES ESTABLISHED

01 CCTV installation on private property is protected for security but cannot infringe on a neighbor's right to privacy and dignity

The installation of surveillance cameras in family or private dwellings is restrained if the cameras face neighboring private spaces or bedrooms without consent, violating Article 21, as illustrated in *Shuvendra Mullick v. Indranil Mullick* (2025).

02 Corridors and shared spaces in residential buildings can be under CCTV surveillance for safety without violating privacy

Cooperative and community living allows for corridors to be monitored to deter crime, provided the cameras do not target individual windows or balconies, as established in *Ranjan Sengupta v. State of West Bengal* (2023).

03 Relevancy is the primary test for the admissibility of evidence, even if the recording was obtained by breaching privacy

In matrimonial and civil disputes, a recording of private conversations can be admitted if it is authentic and relevant to the facts, though courts receive such evidence with extreme caution, as seen in *Deepti Kapur v. Kunal Julka* (2020).

04 Video-recording the actions of public officials performing public duties is permissible and highly relevant to assessing abuse of power

Citizens, reporters, and invitees are entitled to video-record government officers during the discharge of their public duties, and such recordings are admissible to highlight excesses, as shown in *Bhaskar Debbarma v. State of Tripura* [WP(C)/346/2021] (2024).

05 A mandatory Section 65B certificate is required to admit secondary electronic records, and its absence is fatal in trials

Failure to provide a certificate verifying the authenticity of CCTV or video files stored on secondary media like CDs or pen drives makes the electronic record completely inadmissible, as ruled in *Chandrabhan Sudam Sanap v. The State of Maharashtra* (2025).

06 Electronic records are classified as documents, and the accused has a right to cloned copies for fair trial purposes

Any video footage or digital content relied upon by the prosecution constitutes a "document" under Section 3, and the defense has a statutory right to obtain copies, as established in *P. Gopalkrishnan @ Dileep v. State of Kerala* (2019).

HOW THE COURTS HAVE APPLIED THIS

**SUPREME COURT
POSITION**

The apex court has consistently ruled that the procedural requirement of a Section 65B(4) certificate is a mandatory safeguard to prevent tampering in trials involving digital evidence, such as in *Mohd. Arif @ Ashfaq v. State (NCT of Delhi)* (2022). However, the requirement of producing this certificate only arises at the stage of trial when the record is introduced as evidence, rather than at the stage of the chargesheet or preliminary inquiry, as held in *State by Karnataka Lokayukta v. M.R. Hiremath* (2019).

**HIGH COURT
VARIATIONS**

High Courts have actively stepped in to resolve localized disputes over CCTV cameras pointing at neighbors' properties, ordering physical inspections by police to adjust the cameras, as shown in *Agnes Michale v. Cheranelloor Grama Panchayath* (2024). Additionally, some courts historically relaxed 65B requirements when the party producing the recording was not in possession of the original device, or treated original cassette recordings as primary evidence requiring no certificate, as discussed in *Chinnasamy v. Deputy Superintendent of Police* (2020), though this must now be read in light of the Supreme Court's stricter *Arjun Panditrao Khotkar* benchmark.

RECENT EVOLUTION

Recent judgments highlight a zero-tolerance approach towards uncertified electronic evidence, with courts routinely setting aside convictions where prosecution cases rested on unauthenticated CCTV or video recordings, as demonstrated in *State of Haryana v. Harender* (2024). This strict authentication rule equally applies to trap cases and recordings made by complainants, as seen in *Meghraj Singh v. CBI* (2025), where a bribery video was excluded for failing to meet the Section 65B guidelines.

UNSETTLED AREAS OR CAVEATS**Timeliness of Raising Objections on Mode of Proof**

Under established rules, an objection to the admissibility of a recording based on the absence of a Section 65B certificate relates to the "mode of proof" and must be raised when the evidence is tendered at trial; a party cannot remain silent and raise the objection for the first time during an appeal, as held in *State of Madhya Pradesh v. Naveen @ Ajay* (2018). Furthermore, in civil suits, courts insist on strict adherence to the Section 65B procedural mandate at the initial stage of marking exhibits, as ruled in *P.C. Murugesan v. S. Prabhakaran* (2018).

II. Statutory Provisions 4 PROVISIONS

SECTION 65B, INDIAN EVIDENCE ACT, 1872 — ADMISSIBILITY OF ELECTRONIC RECORDS

This section governs the admissibility of electronic records as evidence, stating that computer-generated outputs are deemed documents and admissible without original proof if specific operational conditions are met.

"65B. Admissibility of electronic records (1) Notwithstanding anything contained in this Act, any information contained in an electronic record which is printed on a paper, stored, recorded or copied in optical or magnetic media produced by a computer (hereinafter referred to as the computer output) shall be deemed to be also a document, if the conditions mentioned in this section are satisfied in relation to the information and computer in question and shall be admissible in any proceedings, without further proof or production of the original, as evidence or any contents of the original or of any fact stated therein of which direct evidence would be admissible." *Cited in:* Meghraj Singh v. CBI, Mohd. Arif @ Ashfaq v. State (NCT of Delhi), Chinnasamy v. Deputy Superintendent of Police, Jisal Rasak v. State of Kerala, Akash v. State of Madhya Pradesh

SECTION 65A, INDIAN EVIDENCE ACT, 1872 — SPECIAL PROVISIONS AS TO EVIDENCE RELATING TO ELECTRONIC RECORD

This section provides that the contents of electronic records may be proved in court in accordance with the provisions specified under Section 65B.

"65A. Special provisions as to evidence relating to electronic record.--The contents of electronic records may be proved in accordance with the provisions of section 65B." *Cited in:* P.C. Murugesan v. S. Prabhakaran, Jisal Rasak v. State of Kerala, Bhaskar Debbarma v. State of Tripura

SECTION 290, INDIAN PENAL CODE, 1860 — PUNISHMENT FOR PUBLIC NUISANCE IN CASES NOT OTHERWISE PROVIDED FOR

This section prescribes a fine of up to two hundred rupees as punishment for committing a public nuisance when no specific penalty is provided elsewhere in the Code.

"290. Punishment for public nuisance in cases not otherwise provided for
Whoever commits a public nuisance in any case not otherwise punishable by this Code, shall be punished with fine which may extend to two hundred rupees." *Cited in:* None

SECTION 85B, INDIAN EVIDENCE ACT, 1872 — PRESUMPTION AS TO ELECTRONIC RECORDS AND ELECTRONIC SIGNATURES

This section sets a legal presumption that secure electronic records have not been altered and secure electronic signatures are intentionally affixed by the subscriber.

"85B. Presumption as to electronic records and electronic signatures. --(1) In any proceedings involving a secure electronic record, the Court shall presume unless contrary is proved, that the secure electronic record has not been altered since the specific point of time to which the secure status relates." *Cited in:* None

III.

Cases Discussed

21 CASES · SUMMARY TABLE

#	CASE TITLE	COURT	YEAR	KEY HOLDING
01	<i>Chinnasamy v. Deputy Superintendent of Police</i> HCMA011927632017	MADRAS HIGH COURT	2020	Admits original audio-recordings as primary evidence without mandatory Section 65B certification.
02	<i>P. Gopalkrishnan @ Dileep v. State of Kerala</i> ESCR010004292019	SUPREME COURT OF INDIA	2019	Classifies video files as documents, granting the accused copies for fair trial rights.
03	<i>Sundar @ Sundarrajan v. State by Inspector of Police</i> ESCR010003702023	SUPREME COURT OF INDIA	2023	Reaffirms Section 65B compliance is mandatory for secondary electronic evidence like CCTV.
04	<i>Deepti Kapur v. Kunal Julka</i> DLHC010069982019	HIGH COURT OF DELHI	2020	Admits secretly recorded private bedroom videos if relevant, balancing privacy with fair trial.
05	<i>Akash v. State of Madhya Pradesh</i> MPHC020093682020	HIGH COURT OF MADHYA PRADESH	2023	Outlines admissibility of CCTV footage under Section 65B conditions during criminal appeals.
06	<i>State of Haryana v. Harender</i> PHHC011136632022	HIGH COURT OF PUNJAB AND HARYANA	2024	Rejects unauthenticated CCTV footage as evidence due to lack of Section 65B certificate.
07	<i>Meghraj Singh v. CBI</i> DLHC010906962014	HIGH COURT OF DELHI	2025	Rejects bribery video footage as evidence for failing to provide mandatory 65B certification.
08	<i>State of Madhya Pradesh v. Naveen @ Ajay</i> MPHC020128642018	HIGH COURT OF MADHYA PRADESH	2018	Bars raising objections to CCTV admissibility for the first time at appellate stages.
09	<i>Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal</i> ESCR010004242020	SUPREME COURT OF INDIA	2020	Establishes Section 65B certification is mandatory for secondary electronic records unless original is produced.
10	<i>State by Karnataka Lokayukta v. M.R. Hiremath</i> ESCR010009642019	SUPREME COURT OF INDIA	2019	Rules Section 65B certificate for spy camera recordings is required at trial, not chargesheet.
11	<i>Chandrabhan Sudam Sanap v. The State of Maharashtra</i> ESCR010002512025	SUPREME COURT OF INDIA	2025	Rules CCTV footage inadmissible in a rape-murder trial due to missing 65B certificate.
12	<i>Ghanshyambhai Madhavlal Patel v. State of Gujarat</i> GJHC240283012014	HIGH COURT OF GUJARAT	2014	Discusses tape recordings as documents and requirements for establishing voice authenticity.

#	CASE TITLE	COURT	YEAR	KEY HOLDING
13	<i>Ranjan Sengupta v. State of West Bengal</i> WBCHCA0450722023	HIGH COURT AT CALCUTTA	2023	Holds corridor CCTV installation does not violate co-residents' privacy if private spaces are avoided.
14	<i>Bhaskar Debbarma v. State of Tripura [WP(C)/346/2021]</i> TRHC010008002021	HIGH COURT OF TRIPURA	2024	Admits mobile video recordings of public officials performing duties to assess abuse of power.
15	<i>Bhaskar Debbarma v. State of Tripura [WP(C)(PIL)/5/2021]</i> TRHC010007952021	HIGH COURT OF TRIPURA	2024	Examines videographed excesses of a District Magistrate using mobile video footage on CDs.
16	<i>Jisal Rasak v. State of Kerala</i> KLHC010420792019	HIGH COURT OF KERALA	2019	Rules CCTV footage constitutes a document, ensuring the accused is provided digital copies.
17	<i>Shuvendra Mullick v. Indranil Mullick</i> WBCHCA0256402024	HIGH COURT AT CALCUTTA	2025	Restrains CCTV cameras targeting private residential spaces or bedrooms for violating right to privacy.
18	<i>Chotha Ram v. State of Rajasthan</i> RJHC010431882023	HIGH COURT OF RAJASTHAN	2024	Permits preservation and summoning of electronic evidence of police locations to ensure fair trials.
19	<i>P.C. Murugesan v. S. Prabhakaran</i> HCMA010485082014	MADRAS HIGH COURT	2018	Rejects memory card and CD evidence in recovery suits without mandatory Section 65B certification.
20	<i>Agnes Michale v. Cheranelloor Grama Panchayath</i> KLHC010035912023	HIGH COURT OF KERALA	2024	Restricts private CCTV cameras from being installed in public spaces or targeting neighboring property.
21	<i>Mohd. Arif @ Ashfaq v. State (NCT of Delhi)</i> ESCR010004712022	SUPREME COURT OF INDIA	2022	Excludes Call Detail Records as evidence due to absolute lack of Section 65B certificate.

IV. Case Details

21 CASE FILES

01 Chinnasamy v. Deputy Superintendent of Police

MADRAS HIGH COURT • 2020-06-22 • RT/3/2017

This case concerns the murder of a young man, Shankar, who belonged to a Scheduled Caste community, by a group of individuals led by the father-in-law of the deceased, following an inter-caste marriage. The marriage between the deceased and the petitioner's daughter had caused significant tension with the bride's family. The trial court convicted the accused for conspiracy, murder, and offenses under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, sentencing several of them to death. The Madras High Court heard the referred trial for confirmation of the death sentences alongside several criminal appeals filed by the convicted parties and the State against various acquittals.

HELD The High Court held that the mandatory requirement of a Section 65B(4) certificate only applies when the electronic evidence is produced by a person who is in control of the device and in a position to furnish the certificate. If a party producing the record does not possess the device, the requirements of Sections 63 and 65 are not excluded. Additionally, original tape recordings (as primary evidence) do not require a certificate.

"The applicability of procedural requirement under Section 65B[4] of the Evidence Act of furnishing certificate is to be applied only when such electronic evidence is produced by a person who is in a position to produce such certificate being in control of the said device and not of the opposite party. In a case where electronic evidence is produced by a party who is not in possession of a device, applicability of Sections 63 and 65 of the Evidence Act cannot be held to be excluded."

MADRAS HIGH COURT • 2020

SOURCE HCMA011927632017

02 P. Gopalkrishnan @ Dileep v. State of Kerala

SUPREME COURT OF INDIA • 2019-11-29 • 2019 INSC 1303

The Supreme Court of India addressed whether electronic records, such as the contents of a memory card, constitute a 'document' under Section 207 of the Code of Criminal Procedure, thereby requiring the prosecution to furnish copies to the accused. The Court held that electronic records are indeed documents and that the accused has a right to receive a cloned copy of such evidence to ensure a fair trial under Article 21 of the Constitution.

HELD The Supreme Court held that video recordings of an incident in issue constitute documents under Section 3 of the Evidence Act. There is no difference in terms of admissibility between directly viewing an incident and viewing a visual recording of it on a display.

“A video recording of an incident which is in issue is admissible 37 . There is no difference in terms of admissibility between a direct view of an incident and a view of it on a visual display unit of a camera or on a recording of what the camera has filmed.”

SUPREME COURT OF INDIA • 2019

SOURCE ESCR010004292019

03 Sundar @ Sundarrajan v. State by Inspector of Police

SUPREME COURT OF INDIA • 2023-03-21 • 2023 INSC 264

The petitioner, convicted of kidnapping and murdering a seven-year-old child, sought review of his death sentence. While the Court found no error in the conviction, it identified a failure by the trial and appellate courts to conduct a meaningful sentencing hearing or consider mitigating circumstances. The Court commuted the sentence to life imprisonment.

HELD The Court reviewed conflicting precedents on electronic evidence and reiterated that Sections 65A and 65B constitute a complete code. It confirmed that while primary electronic evidence produced directly does not require a certificate, secondary electronic records cannot be admitted without strict adherence to Section 65B(4), overruling diluted interpretations.

“The Court reiterated Anvar P.V . and held Tomaso Bruno per incuriam and overruled Shafi Mohammed . It held that: 73. The reference is thus answered by stating that: 73.1. Anvar P.V . , as clarified by us hereinabove, is the law declared by this Court on Section 65-B of the Evidence Act.”

SUPREME COURT OF INDIA • 2023

SOURCE ESCR010003702023

04 Deepti Kapur v. Kunal Julka

HIGH COURT OF DELHI • 2020-06-30 • CM(M)/40/2019

This matter involved a matrimonial dispute where the husband sought to introduce a Compact Disc (CD) containing secret audio-video recordings of his wife’s private conversations, captured via a CCTV camera in the bedroom, as evidence of cruelty. The wife challenged the admissibility of the recording, arguing that it violated her fundamental right to privacy. The Family Court allowed the evidence, directing a forensic examination to verify the authenticity of the recording.

HELD The Delhi High Court held that the Indian Evidence Act recognizes relevancy as the sole test of admissibility. Consequently, courts cannot exclude otherwise relevant evidence simply because it was obtained through an illegal search, seizure, or in breach of privacy, though such evidence must be evaluated with extreme caution.

“permits relevancy as the only test of admissibility of evidence (See Section 5 of the Act) and, secondly, that Act or any other similar law in force does not exclude relevant evidence on the ground that it was obtained under an illegal search or seizure, it will be wrong to invoke the supposed spirit of our Constitution for excluding such evidence.”

HIGH COURT OF DELHI • 2020

SOURCE DLHC010069982019

05 Akash v. State of Madhya Pradesh

HIGH COURT OF MADHYA PRADESH • 2023-12-21 • CRA/3229/2020

The appellants were convicted for kidnapping and attempting to murder the victim, who had been in a friendship with a woman also known to one of the appellants. On appeal, the High Court upheld the convictions, finding the victim's testimony credible and consistent with the physical evidence.

HELD The High Court applied Section 65B of the Indian Evidence Act to analyze the admissibility of CCTV footage. It affirmed that computer outputs containing surveillance footage must satisfy the conditions set forth under Section 65B(2) to be legally deemed documents and admitted into evidence.

“So far as the question of admissibility of CCTV footage in the evidence is concerned, it is apposite to reproduce here Section 65B of the Indian Evidence Act, 1872, which runs as under:- 65B. Admissibility of electronic records.”

HIGH COURT OF MADHYA PRADESH • 2023

SOURCE MPHC020093682020

06 State of Haryana v. Harender

HIGH COURT OF PUNJAB AND HARYANA • 2024-09-18 • CRM-A/5/2023

The State of Haryana appealed against a trial court judgment acquitting the respondent of murder charges. The trial court acquitted the accused due to a lack of eyewitnesses and the failure of the prosecution to properly authenticate CCTV footage under Section 65-B of the Indian Evidence Act. The High Court affirmed the acquittal.

HELD The High Court held that CCTV footage must be proved by complying strictly with Section 65B of the Evidence Act. It clarified that oral evidence cannot be used to prove the contents of an electronic record if the statutory conditions and the required written certificate under Section 65B are not satisfied.

“The Evidence Act does not contemplate or permit the proof of an electronic record by oral evidence, if requirements under Section 65-B of the Evidence Act, are not complied with.”

HIGH COURT OF PUNJAB AND HARYANA • 2024

SOURCE PHHC011136632022

07 Meghraj Singh v. CBI

HIGH COURT OF DELHI • 2025-03-12 • CRL.A./638/2014

This appeal challenged a conviction under the Prevention of Corruption Act, 1988, involving a former Head Constable of the Excise Department. The prosecution's case rested on video footage captured by a complainant, which purportedly showed the appellant accepting a bribe from an individual involved in illegal liquor trade. The matter was brought before the High Court of Delhi for adjudication regarding the evidentiary value of the digital recordings and the legality of the conviction.

HELD The High Court held that video recordings of an alleged bribe captured on a cassette cannot be admitted as secondary electronic evidence if they are not supported by a mandatory certificate under Section 65B. Because the recording device was never sent for forensic examination to rule out editing and tampering, the uncertified record could not be admitted.

"Finally, the fact that the said cassette (Ex. P-1) was not supported by a certificate under Section 65B of the Indian Evidence Act, the same could not be admitted as secondary evidence, as it had come on record that there was no evidence that the recording contained in the cassette (Ex. P-1) was the original recording."

HIGH COURT OF DELHI • 2025

SOURCE DLHC010906962014

08 State of Madhya Pradesh v. Naveen @ Ajay

HIGH COURT OF MADHYA PRADESH • 2018-12-24 • CRRFC/3/2018

The accused was convicted by the trial court for the abduction, rape, and murder of a three-month-old infant. The prosecution presented evidence including CCTV footage showing the accused taking the child from the sidewalk. On appeal and reference for confirmation of the death sentence, the High Court upheld the conviction and capital sentence.

HELD The High Court held that objections pointing to irregularities or insufficiency in the mode of proof (such as the specific formatting or detail in a Section 65B certificate accompanying CCTV footage) must be raised at the trial stage when the evidence is tendered. A party cannot wait until the appellate stage to challenge the regular mode of proof.

"Where the objection to be taken is not that the document is in itself inadmissible but that the mode of proof put forward is irregular or insufficient, it is essential that the objection should be taken at the trial before the document is marked as an exhibit and admitted to the record."

HIGH COURT OF MADHYA PRADESH • 2018

SOURCE MPHC020128642018

09 Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal

SUPREME COURT OF INDIA • 2020-07-14 • 2020 INSC 453

This case addressed the admissibility of electronic records under Section 65B of the Indian Evidence Act. The Supreme Court affirmed that the provisions of Sections 65A and 65B constitute a complete code for electronic

evidence and that a written certificate under Section 65B(4) is a mandatory requirement for its admissibility. The Court clarified that oral evidence cannot replace this certificate. However, it held that if a party has made all possible efforts to obtain the certificate but failed due to the refusal of the concerned authorities, the court may intervene to compel its production.

HELD The Supreme Court ruled that a certificate under Section 65B(4) is an absolute mandatory condition precedent for the admissibility of secondary electronic records. Because digital records are highly susceptible to tampering, transposition, and excision, these statutory safeguards must accompany the electronic evidence during its production in court.

“An electronic record by way of secondary evidence shall not be admitted in evidence unless the requirements under Section 65-B are satisfied.”

SUPREME COURT OF INDIA • 2020

SOURCE ESCR010004242020

10 State by Karnataka Lokayukta v. M.R. Hiremath

SUPREME COURT OF INDIA • 2019-05-01 • 2019 INSC 611

This case involved a challenge to the admissibility of electronic evidence, specifically a recording from a spy camera, in a corruption case. The High Court had quashed criminal proceedings against the accused, ruling that the prosecution's failure to provide a certificate under Section 65B(4) of the Evidence Act at the charge-sheet stage was fatal to the case. The Supreme Court set aside this decision, clarifying that the requirement for a Section 65B certificate arises only when the electronic record is sought to be produced as evidence during the trial, not at the charge-sheet or investigation stage. The Court also affirmed that preliminary inquiries conducted before the formal registration of an FIR are permissible.

HELD The Supreme Court held that the non-production of a Section 65B certificate at the stage of filing the charge-sheet is a curable defect and is not fatal to the prosecution. The statutory requirement of a Section 65B(4) certificate is only activated when a party formally seeks to tender the electronic record into evidence during the trial.

“The need for production of such a certificate would arise when the electronic record is sought to be produced in evidence at the trial . It is at that stage that the necessity of the production of the certificate would arise.”

SUPREME COURT OF INDIA • 2019

SOURCE ESCR010009642019

11 Chandrabhan Sudam Sanap v. The State of Maharashtra

SUPREME COURT OF INDIA • 2025-01-28 • 2025 INSC 116

The appellant was convicted and sentenced to death by the lower courts for the rape and murder of a young woman. The prosecution's case rested entirely on circumstantial evidence, including testimony regarding the 'last seen' theory, CCTV footage, and alleged extra-judicial confessions. On appeal, the Supreme Court found

significant gaps in the prosecution's evidence. Notably, the court held that the failure to provide the mandatory Section 65-B certificate rendered the CCTV footage inadmissible. Concluding that the prosecution failed to establish the appellant's guilt beyond a reasonable doubt, the Supreme Court set aside the conviction and acquitted the appellant.

HELD The Supreme Court held that secondary electronic evidence like CCTV footage copied to digital media is completely inadmissible without a mandatory certificate under Section 65B of the Indian Evidence Act. General provisions of secondary evidence under Sections 63 and 65 must yield to these special provisions.

"An electronic record by way of secondary evidence shall not be admitted in evidence unless the requirements under Section 65-B are satisfied."

SUPREME COURT OF INDIA • 2025

SOURCE ESCR010002512025

12 Ghanshyambhai Madhavlal Patel v. State of Gujarat

HIGH COURT OF GUJARAT • 2014-12-11 • SCR.A/5013/2014

The petitioner, father of a victim in a fatal car accident, sought to introduce a televised interview of a key eyewitness under Section 311 of the Code of Criminal Procedure. The witness had turned hostile during trial, retracting his earlier identification of the accused. The trial court rejected the applications.

HELD The High Court recognized that a tape or video recording constitutes a "document" under Section 3 of the Evidence Act, similar to a photograph. For such a recorded statement to be admissible, the court must receive it with caution, ensure the accuracy of the recording, and verify the proper identification of the voices of the speakers.

"The conditions for admissibility of a tape recorded statement are - "(1) The voice of the speaker must be duly identified by the maker of the record or by other who recognise his voice."

HIGH COURT OF GUJARAT • 2014

SOURCE GJHC240283012014

13 Ranjan Sengupta v. State of West Bengal

HIGH COURT AT CALCUTTA • 2023-11-22 • WPA/22193/2023

The petitioner, a doctor, sought the removal of CCTV cameras installed by co-residents in his apartment building, alleging that the surveillance constituted an invasion of his fundamental right to privacy and was a means of harassment. The respondents maintained that the cameras were installed for the security of all residents and to deter unauthorized persons. The court held that the installation of CCTV cameras in common areas like corridors for the purpose of collective security does not violate an individual's right to privacy, provided the cameras do not specifically target private areas like windows or verandas. Finding no merit in the petitioner's claims, the court dismissed the petition while directing the police to maintain a vigil to prevent any breach of peace.

HELD The Calcutta High Court ruled that installing CCTV cameras in shared spaces like apartment corridors is a valid exercise of safety and security. Such common surveillance does not violate the fundamental right to privacy, provided the cameras are not aimed directly at individual private areas like windows or verandas.

“There is nothing wrong in installing a CCTV camera to cover the entire corridor either. This is done for the security of all and does not violate the right to privacy of any.”

HIGH COURT AT CALCUTTA • 2023

SOURCE WBCHCA0450722023

14 Bhaskar Debbarma v. State of Tripura [WP(C)/346/2021]

HIGH COURT OF TRIPURA • 2024-05-22 • WP(C)/346/2021

These writ petitions concern the actions of the District Magistrate of West Tripura, who raided marriage ceremonies held during the COVID-19 pandemic in April 2021. The petitioners alleged that the District Magistrate abused his official power by disrupting the events, using abusive language, and ordering the detention of guests, including the bride and groom, in violation of their fundamental rights. The petitioners sought various reliefs, including judicial inquiries, departmental action against the official, and compensation for illegal detention.

HELD The High Court evaluated video recordings captured by guests and reporters on their mobile phones showing the high-handed actions of a District Magistrate during public duties. The Court treated these mobile and CD recordings as admissible "documents" under Section 65B of the Evidence Act to review executive abuse of power.

“when electronic records are submitted as evidence in the court, they are treated as \"documents\" under the Evidence Act, subject to the conditions specified in Section 65B(4).”

HIGH COURT OF TRIPURA • 2024

SOURCE TRHC010008002021

15 Bhaskar Debbarma v. State of Tripura [WP(C)(PIL)/5/2021]

HIGH COURT OF TRIPURA • 2024-05-22 • WP(C)(PIL)/5/2021

This case concerns three writ petitions filed against the District Magistrate (DM) of West Tripura, Shailesh Kumar Yadav, regarding his conduct during a raid on two marriage halls in Agartala on the night of April 26, 2021. The petitioners alleged that the DM disrupted marriage ceremonies, misbehaved with guests, and ordered the illegal detention of attendees, including the bride and groom, in violation of constitutional rights, while citing breaches of COVID-19 lockdown protocols. The petitioners sought various legal remedies, including directions for criminal and departmental action against the official and compensation for the alleged wrongful restraint and abuse of power.

HELD The High Court accepted video recordings saved on CDs that documented a public official's excesses. The Court noted that because the recordings were captured directly by attendees and reporters on mobiles and were widely aired without dispute from the official, they were reliable and admissible to prove official misconduct.

“the entire act and activities of the District Magistrate were videographed by the invitees and reporters in their mobiles or other electronic gazette and the same footages had been collected from those sources.”

HIGH COURT OF TRIPURA • 2024

SOURCE TRHC010007952021

16 Jisal Rasak v. State of Kerala

HIGH COURT OF KERALA • 2019-09-30 • CRL.MC/4148/2019

This case addressed whether an accused is entitled to receive digital copies of CCTV footage that the prosecution relied upon but classified as a material object rather than a document. The petitioner argued that under the Indian Evidence Act and the Information Technology Act, electronic records constitute documents that must be disclosed to the accused to ensure a fair trial. The court examined the obligation of the prosecution to provide all evidence, especially exculpatory material, to the defense. The High Court concluded that digital evidence such as CCTV footage qualifies as a document and that the accused has a statutory right to be furnished with copies to enable a fair defense.

HELD The High Court held that electronic records, such as CCTV footage relied on by the prosecution, constitute "documents" under the Indian Evidence Act. Consequently, the accused is entitled to a digital copy of the CCTV footage to enable a fair defense and locate exculpatory material.

“Any documentary evidence by way of an “electronic record” under the Indian Evidence Act can be proved only in accordance with the procedure CRL.MC:4148/2019 23 prescribed under Section 65B of the Indian Evidence Act, 1872.”

HIGH COURT OF KERALA • 2019

SOURCE KLHC010420792019

17 Shuvendra Mullick v. Indranil Mullick

HIGH COURT AT CALCUTTA • 2025-02-10 • FMAT/172/2024

The appellant, a co-trustee of a family dwelling, sought an injunction against his relatives for installing CCTV cameras in the residential portion of the property. The appellant alleged that the cameras, installed without his consent, intruded upon his privacy and interfered with his peaceful enjoyment of his living space. The respondents argued the cameras were for the security of valuable art and antiques housed in the building.

HELD The High Court held that installing surveillance cameras in a residential property that point towards another occupant's bedroom or private living space violates the constitutional right to privacy and dignity. The court directed that the operation of cameras capturing such private family zones without consent must be restrained.

"He felt that such act of the respondents was detrimental to the appellant's right to privacy. As such, the appellant conveyed his concern to the respondents, but they did not pay any heed to his dissent."

HIGH COURT AT CALCUTTA • 2025

SOURCE WBCHCA0256402024

18 Chotha Ram v. State of Rajasthan

HIGH COURT OF RAJASTHAN • 2024-03-04 • CRLMP/3672/2023

The petitioners, facing trial under the NDPS Act, challenged an order rejecting their application to summon the call detail records and tower locations of police officers involved in their arrest. The petitioners argued these electronic records were necessary to demonstrate that the police were not at the crime scene at the alleged time, thereby suggesting the prosecution's case was fabricated.

HELD The High Court ruled that courts must facilitate the preservation and procurement of electronic evidence, such as cell tower logs of police officers, to protect against their destruction. Once produced, this evidence must be kept on record alongside a Section 65B certificate so parties can use it during cross-examination to test witness credibility.

"After receiving the above evidence, the trial court is directed to keep it on record of the case along with certification under Section 65-B of Indian Evidence Act and the same could be utilized by both the parties..."

HIGH COURT OF RAJASTHAN • 2024

SOURCE RJHC010431882023

19 P.C. Murugeasan v. S. Prabhakaran

MADRAS HIGH COURT • 2018-01-30 • CRP/390/2014

The petitioner challenged a trial court order allowing the respondent to mark a memory card and CD containing recorded conversations as evidence in a money recovery suit. The respondent had sought to introduce these electronic records without providing the mandatory certification required under Section 65B of the Indian Evidence Act. The Madras High Court set aside the trial court's order, ruling that electronic records are inadmissible as evidence unless the procedural requirements of Section 65B, including the production of a certificate to verify the authenticity of the electronic output, are strictly satisfied. The court granted the respondent liberty to file a fresh application upon complying with these legal requirements.

HELD The High Court held that electronic records like memory cards and CDs are inadmissible in civil recovery suits unless they are strictly accompanied by a certificate under Section 65B. The Court emphasized that secondary electronic evidence cannot be marked as an exhibit without complying with this statutory prerequisite.

“unless the conditions contemplated in Section 65B of the Act is complied with, the electronic record is inadmissible as the same is secondary evidence.”

MADRAS HIGH COURT • 2018

SOURCE HCMA010485082014

20 Agnes Michale v. Cheranelloor Grama Panchayath

HIGH COURT OF KERALA • 2024-02-13 • WP(C)/1485/2023

The petitioner filed a writ petition alleging that her neighbor, the fourth respondent, installed a CCTV camera that encroached upon her privacy and occupied a public space. The respondent denied the allegations, asserting the camera was for security and faced a public road rather than the petitioner's property. The High Court directed the local Station House Officer to conduct an inspection of the site in the presence of both parties to verify the camera's positioning. If the officer confirms the camera is in a public space, the matter must be reported to the Panchayat Secretary for further action under the Kerala Panchayat Raj Act.

HELD The High Court ruled that private CCTV cameras must be factually inspected by local authorities to determine if they occupy public space or are directed at a neighbor's house. If a camera is found pointing directly at a neighbor's home and violating their privacy, the police and local government must order its removal or adjustment.

“CCTV Camera installed by the 4 th respondent is in a public space and whether it is directed towards the petitioner's property or her house, thus violating her privacy.”

HIGH COURT OF KERALA • 2024

SOURCE KLHC010035912023

21 Mohd. Arif @ Ashfaq v. State (NCT of Delhi)

SUPREME COURT OF INDIA • 2022-11-03 • 2022 INSC 1156

This case concerns the review of a death sentence imposed on the petitioner for a 2000 terrorist attack at the Red Fort, which resulted in the deaths of three army personnel. The petitioner challenged his conviction and sentence, raising issues regarding the admissibility of electronic evidence lacking proper certification. The Supreme Court acknowledged that, per established precedent, the electronic evidence (Call Detail Records) must be excluded for lack of certification. However, the Court held that the remaining evidence independently established the petitioner's guilt beyond a reasonable doubt.

HELD The Supreme Court reiterated that a Section 65B certificate is a mandatory prerequisite for the admissibility of any electronic record, such as Call Detail Records (CDRs). In the absence of this mandatory certification, such electronic evidence is inadmissible and must be completely excluded from judicial consideration.

“Certification under S.65B IEA is a pre-requisite to admissibility of an electronic record such as CDRs. There is no compliance with this mandatory requirement. As such, CDRs are inadmissible and necessarily must be excluded from consideration.”

SUPREME COURT OF INDIA • 2022

SOURCE ESCR010004712022

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