

Court No. - 6

Case :- WRIT - C No. - 14550 of 2023

Petitioner :- Smt Suman

Respondent :- Yogesh And 2 Others

Counsel for Petitioner :- Rajesh Kumar Dubey

Counsel for Respondent :- Rajesh Dutta Pandey

Hon'ble Mrs. Manju Rani Chauhan,J.

Heard Mr. Rajesh Kumar Dubey, learned counsel for the petitioner and Mr. Rajesh Dutta Pandey, learned counsel for respondent no.1.

The writ petition has been filed by the petitioner with a prayer to quash the order dated 25.03.2023 passed by Additional District Judge, Court No.7, Mathura in Election Petition No.04 of 2021 (Yogesh Vs. Suman and others).

At the very outset, learned counsel for the respondent no.1 states that he has no objection and the petition may be allowed.

Brief facts of the case; the petitioner got elected in the election, in the year 2021, on the post of Block Pramukh. The aforesaid election was challenged by the respondent by way of filing election petition, accordingly, notices were issued to the parties and written statement was filed on behalf of the petitioner as well as other respondents. The respondent/defendant no.1 filed an application during course of trial on 21.03.2023, requesting that respondent/defendant no.2 should be cross-examined by playing video recording in the Court, to which, an objection was filed by the petitioner. Ignoring the necessary requirement of playing video verified by the F.S.L., the application has been allowed in a routine manner. Therefore, the aforesaid order has been challenged by way

of filing this writ petition.

Learned counsel for the petitioner submits that the order impugned has been passed in a cursory manner, without application of judicial mind and without noticing that the video cannot be taken into consideration as an evidence without it being verified by the F.S.L. Accordingly, the order impugned is bad in the eyes of law and the same is liable to be set aside.

Learned counsel for respondent no.1 concedes to the argument as placed by petitioner and states that petition may be allowed.

In view of above, the order impugned dated 25.03.2023 passed by Additional District Judge, Court No.7, Mathura, is **quashed**.

On the basis of requests made by learned counsel for respondent no.1, the Presiding Officer is directed to conclude the election petition, in accordance with law, as expeditiously as possible, in the manner as prescribed under the relevant Act.

With the aforesaid observations/directions, the writ petition stands **allowed**, accordingly.

Order Date :- 30.11.2023
Rahul.