

Court No. - 87

Case :- APPLICATION U/S 482 No. - 35451 of 2023

Applicant :- Saddam Qureshi

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Diwan Saifullah Khan

Counsel for Opposite Party :- G.A., Shama Parveen

Hon'ble Neeraj Tiwari, J.

1. Sri Ayush Mishra and Sri Sunil Kumar Mishra, put in appearance on behalf of applicant have filed vakalatnamae after obtaining no objection from the earlier counsel, Sri Diwan Saifullah Khan, which is taken on record.

2. Heard learned counsel for the applicant, learned A.G.A. for the State and Sri Abhishek Ankur Chaurasia, Advocate, holding brief of Ms. Shama Parveen, learned counsel for the opposite party No. 2 & 3.

3. Present 482 Cr.P.C. application has been filed seeking direction to the learned trial court to accept and keep on record the application dated 24.08.2023 of the applicant under Section 230 read with section 311 Cr.P.C. to summon the eye witness Sabina and decide the same in accordance with law.

4. Learned counsel for the applicant submitted that he has filed application dated 24.08.2023, under Section 230 read with section 311 Cr.P.C. for summoning the eye witness of the charge sheet, namely Smt. Sabina, but Court has refused to accept the said application. He firmly submitted that it is required on the part of the Court to accept the application filed by the applicant and then decide the same on merits and refusal of the same may not be permitted under the provision of law.

5. He lastly submitted that direction may be issued to learned Session Judge, Jhansi to accept the application dated 24.08.2023 filed by the applicant under Section 230 Cr.P.C. and decide the same on merits.

6. Sri Abhishek Ankur Chaurasia, Advocate is having no objection to the submission made by learned counsel for the applicant.

7. Accordingly, without entering into the merits, application is **disposed of** with direction to Session Judge, Jhansi to accept the application dated 24.08.2023 filed by the applicant, if not already accepted and decide the same strictly in accordance with law maximum within one month from the date of production of certified copy of this order.

8. It is made clear that, if there is any provision for not accepting the application under Section 230 Cr.P.C., the Court shall pass reasoned order in that regard within the same time.

Order Date :- 1.11.2023

ADY