

Court No. - 87

Case :- APPLICATION U/S 482 No. - 35309 of 2023

Applicant :- Rajesh Singh And 4 Others

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Vijit Saxena

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari,J.

1. Supplementary affidavit filed today be taken on record.
2. Heard learned counsel for the applicants and learned AGA for the State.

2. The present application under section 482 Cr.P.C. has been filed for quashing the order dated 3.5.2023 as well as proceeding of S.S.T. No. 970 of 2023 (State vs. Rajesh and others) arising out of Case Crime No. 15 of 2021, under Sections 147, 148, 149, 302, 307 and 504 IPC, P.S. Kargol, District Agra, pending before the court learned Special Judge (SC/ST Act), Agra.
3. Learned counsel for the applicant submitted that during the course of trial, he has moved an application dated 27.4.2023 under Section 294 Cr.P.C. for taking certain additional evidence on record, which was rejected vide order dated 3.5.2023 only on the ground that negatives of the photograph are not attached with the application. He firmly submitted that in present days of modern technology for clicking photographs from Camera, Mobiles or any other device, there is no need of camera reel or negatives, therefore, ground so taken by trial Court cannot be accepted. He lastly submitted that impugned order dated 3.5.2023 suffers non application of mind, therefore, same is bad and liable to be set aside.
4. Learned AGA has opposed the submission, but could not dispute the aforesaid facts.
5. I have considered the rival submissions advanced by the learned counsel for the parties and perused the record as well as impugned order dated 1.5.2023. From perusal of the same, it is apparently

clear that impugned order dated 3.5.2023 has been passed only on the ground that negatives of the photograph are not produced with the application. Certainly, as on date for clicking photographs from Camera, Mobiles or any other device, there is no need of camera reel or negatives.

6. Therefore, under such facts and circumstances of the case, impugned order dated 3.5.2023 is hereby quashed and application is **allowed**. Matter is remanded back to learned Special Judge (SC/ST Act), Agra to pass fresh order in accordance with law maximum within a period of four weeks from the date of production of certified copy of this order.

Order Date :- 30.10.2023

Junaid