

Court No. - 89

Case :- APPLICATION U/S 482 No. - 40974 of 2023

Applicant :- Krishna Chandra Saxena

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

Counsel for Applicant :- Arvind Kumar Srivastava, Pramila Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma, J.

1. Heard learned counsel for the applicant; learned A.G.A. for the State and perused the record.
2. The present 482 Cr.P.C. application has been filed to quash the impugned orders dated 12.07.2023 and 27.09.2023 passed by the learned Upper Sessions Judge, Court no. 1, District Rampur in Sessions Trial No.19 of 2012 (State Vs. Vivek Kumar) arising out of Case Crime No. 935 of 2011, under Section 306 I.P.C., P.S. Kotwali, District Rampur, pending in the court of learned Upper Sessions Judge, Court no. 1, Rampur.
3. Learned counsel for the applicant has challenged the impugned order dated 12.07.2023 by which the trial court has allowed the application of the applicant to tally the handwriting of the deceased by handwriting expert on the expenses of the applicant. Counsel for the applicant submits that order passed by the learned Additional Sessions Judge is that handwriting of the deceased be examined by the handwriting expert on the expenses of applicant and this part should be deleted.
4. Learned A.G.A. opposed the submission of counsel for the applicant and submitted that court below has directed to examine the handwriting of the deceased by expert and has accepted the prayer of the applicant to summon the handwriting expert. The order passed by the Additional Sessions Judge dated 12.07.2023 is just and proper. No interference is warranted.
5. I have considered the argument raised by counsel for the applicant and perused the record. The applicant earlier challenged the impugned order dated 12.01.2023 by filing 482 Cr.P.C.

Application No.9127 of 2023 before this Court and the Co-ordinate Bench of this Court vide order dated 10.04.2023 set aside the order impugned passed by the trial court dated 12.01.2023. The Court observed that the documents submitted by the deceased at the time of her joining are undisputed documents as they fall in the category of public documents. The said documents cannot be said to be in the handwriting of another person as they relate to the joining of the deceased on the post of Assistant Teacher before the District Basic Education Officer. No finding has been returned by the court below. The trial court in pursuance of the order passed by this Court has allowed the prayer of the applicant and directed that applicant on his expenses may call the handwriting expert to tally both the handwriting of the deceased. The order dated 12.07.2023 passed by the learned trial court is just and proper and no interference is warranted as the same has been passed in pursuance of the direction issued by the Co-ordinate Bench of this Court.

6. The present application under Section 482 Cr.P.C. lacks merit and is, accordingly, dismissed.

Order Date :- 6.11.2023

Meenu Singh