

Court No. - 12

Case :- APPLICATION U/S 482 No. - 12462 of 2023

Applicant :- Pramod Kumar Yadav @ Pramod Yadav

Opposite Party :- State Of U.P. Thru. Its Secy. Home Deptt. Lko. And Others

Counsel for Applicant :- Sukh Deo Singh, Paritosh Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.
2. The present application under Section 482 Cr.P.C. is filed with the prayer to quash the proceeding of Special Session Trial No.534/2018, "State Vs. Pramod Yadav", pending before learned Additional Session Judge/Special Judge (POCSO) Act, Court No.12, Sultanpur, in Case Crime No.241/2018, under Sections 363, 366, 506 I.P.C., Police Station Amethi, District Amethi.
3. Learned counsel for the applicant has submitted that ossification test of the victim was conducted by Dr. Rajendra Pratap but in place of Dr. Rajendra Pratap, P.W.6, Dr. A.K. Azizi appeared and proved the ossification test against settled principle of Medical Jurisprudence, thereafter, application was filed under Section 311 Cr.P.C. for summoning Dr. Rajendra Pratap, who conducted the ossification test of the victim but the same was rejected by learned court below in the most mechanical manner, therefore, indulgence of this Court is necessary.
4. Learned A.G.A. opposed the prayer of the applicant and has submitted that as the report of the ossification test was proved by Dr. A.K. Azizi, who stated that it was conducted by Dr. Rajendra Pratap and there is no illegality in the order passed by the court below. She also submitted that there is no specific point is mentioned which is to be asked from Dr. Rajendra Pratap, therefore, application is liable to be dismissed.
5. Considering the submissions of learned counsel for the parties, going through the contents of the

application as well as other relevant documents, as it is evident from the record that no any specific point has been mentioned, which is to be asked from Dr. Rajendra Pratap, as the ossification test has already been proved by Dr. A.K. Azizi, in such circumstances, the present application is liable to be dismissed.

6. In view of the above, the present application under Section 482 Cr.P.C. is **dismissed**.

Order Date :- 20.12.2023

Gaurav/-