

Court No. - 11

Case :- APPLICATION U/S 482 No. - 12624 of 2023

Applicant :- Divya Singh

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.
And Another

Counsel for Applicant :- Rishabh Srivastava, Rishi Raj Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania, J.

Heard.

The present application under Section 482 Cr.P.C. has been filed by the applicant for the following main relief:-

"The petitioner above named most respectfully begs to submit that for the facts, reasons and circumstances stated in the accompanying affidavit, this Hon'ble Court may kindly be pleased to quash the impugned order dated 02/12/2023 for taking electronic evidence on record in matrimonial dispute of "Divya Singh Vs Kapil Dev Singh" which is pending in the court of Addl. Principal Judge, Family Court, Gonda.

It is further prayed that the entire proceedings initiated by an application (298) by the opposite party in case no. 478/2018 U/S- 125 Cr.P.C titled-"Divya Singh Vs Kapil Dev Singh", may kindly be stayed, during the pendency of the present petition, in the interest of justice."

Challenging the order dated 02.12.2023 passed by the Court of Additional Principal Judge, Court No. 01, Family Court, Gonda, in Case No. 478 of 2018 instituted under Section 125 Cr.P.C. it is submitted that the trial court for the purposes of deciding the case has taken certain documents including the copy of CD on record, which is not permissible in view of Evidence Act, 1872.

From the records, it appears that the issue of admissibility of evidence would be considered by the trial court at the time of passing final order in the case and taking note of this aspect of the case, this Court is not inclined to entertain the present application. It is **dismissed** accordingly.

Before parting, it would be appropriate to observe here that the trial court shall consider the relevant provisions of Evidence Act, 1872 including Section 65-B while passing final order in the case.

Order Date :- 22.12.2023

Vinay/-