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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: January 07, 2015

+ **CRL.M.C. 73/2012 & CrI.M.A. 8501/2014**

HEM SINGH & ORS Petitioners
Through: Mr. P.K. Dey, Advocate

versus

STATE Respondent
Through: Mr. Vinod Diwakar, Additional
Public Prosecutor for respondent-
State with SI Kailash Chand
Mr. Vishal Gouri, Advocate for
respondent No.2

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

Vide order of 1st March, 2011 respondent-complainant has been permitted to file affidavit in terms of the order passed by a co-ordinate Bench of this Court on 30th August, 2007.

The apprehension of petitioners-accused persons is that by this mode, inadmissible evidence is sought to be brought on record like photographs, etc.

Learned Additional Public Prosecutor for respondent-State submits that a supplementary charge-sheet has been filed after the order of 30th August, 2007, which would require alteration of the charge. However, it

is submitted by learned counsel for petitioner that till date, no alteration in the charge has taken place and it be clarified that through evidence by way of affidavit, inadmissible evidence be not taken on record.

Upon hearing and on perusal of the impugned order, I find that the impugned order is perfectly in consonance with the order of 30th August, 2007 of co-ordinate Bench of this Court and if any photograph is filed without negative, then the trial court shall proceed with the matter in accordance with the law while noting the objections qua inadmissibility of evidence filed by way of affidavit.

With aforesaid observations, this petition and the application are disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 07, 2015

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