SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			C528/2512/2026 Usman Ali Khan Alias Usman Khan --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. D.S. Mehta, learned counsel for the applicant. 2. Ms. Meenakshi Sharma and Mr. Haimanshu Sain, learned Brief Holders for the State 3. Present C-528 application has been filed seeking quashing of the impugned order dated 31.10.2026 passed by the learned Special Judge (POCSO), Haldwani, District Nainital, in Special Sessions Trial No.41 of 2025, whereby the application moved by the applicant under Section 348 read with Section 329(2) of the BNSS, has been rejected. 4. Learned counsel for the applicant would submit that the F.I.R. was lodged by the mother of the victim under Sections 65(1) and 351(2) of the B.N.S., as well as under the relevant provisions of the POCSO Act, alleging therein that the applicant had taken the minor victim in a car and committed the

			alleged offences with her. He would further submit that the statement of the applicant under Section 351 of the BNSS was recorded on 06.10.2026 and the trial has now reached the stage of defence evidence. 5. Learned counsel would further submit that the applicant moved an application under Sections 348 and 94 read with Section 329(2) of the BNSS, seeking summons to (i) the Scientific Officer who had examined the DNA and hair sample parcels and signed the scientific investigation report, along with the original report; (ii) an authorised official of the Electricity Department, Nainital, along with the relevant records pertaining to electricity supply, breakdowns and power cuts; and (iii) an authorised official from the office of the Senior Superintendent of Police, along with the relevant records and action-taken report in respect of the letter dated 24.05.2025; that, the prosecution filed its objections to the said application, contending that the application had been moved with the intention of delaying the trial and that the scientific report was already available on record; that, the learned trial court, without properly appreciating the necessity of summoning the aforesaid witnesses and records, rejected the application. 6. Learned counsel for the applicant

			would further submit that the applicant is an aged person of about 71 years; that, he was arrested on 30.04.2025 and has remained in judicial custody since then; and that, out of the prosecution witnesses, 19 witnesses have already been examined. He, therefore, submits that the impugned order is liable to be quashed. 7. Per contra, learned State counsel would vehemently oppose the submissions advanced by learned counsel for the applicant and submit that the learned trial court, after duly considering the material available on record and the objections raised by the prosecution, has passed a reasoned and speaking order, therefore, no interference by this Court is warranted. 8. Heard learned counsel for the parties and perused the material available on record. 9. Upon consideration of the submissions advanced by learned counsel for the parties and upon perusal of the impugned order, this Court does not find any illegality or infirmity in the order passed by the learned trial court warranting interference in the exercise of its inherent jurisdiction under Section 528 of the BNSS. 10. Accordingly, the impugned order does not call for any interference by

this Court. However, it is clarified that the applicant shall be at liberty to raise all permissible objections and contentions before the learned trial court at the appropriate stage of defence evidence, in accordance with law. Needless to observe that the learned trial court shall consider the same on their own merits, uninfluenced by any observation made in the present order.

11. With the aforesaid observations, the present C-528 application stands disposed of.

12. Pending applications, if any, also stand disposed of.

(Alok Mahra, J.)
17.11.2026

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