
(2021) 03 UK CK 0065

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 344 Of 2021

Amandeep Chauhan

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 08-03-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 91, 482

Citation : (2021) 03 UK CK 0065

Hon'ble Judges : N.S. Dhanik, J

Bench : Single Bench

Advocate : Lalit Sharma, Manisha Rana Singh

Final Decision : Disposed Of

Judgement

N.S. Dhanik, J

1. This criminal misc. application has been filed by the applicant to set-aside the order dated 01.02.2021 (annexure-4) so far it relates to application no.

37 Kha by allowing the said application and the trial court be directed to permit the applicant to cross examine the prosecutrix on the basis of

documents filed with said application no. 37 Kha or to decide the application under Section 91 Cr.P.C. on its own merits, as per law, prior to

completion of cross examination of P.W. , so that the ample opportunity be given to the applicant.

2. Learned counsel for the applicant submits that the applicant moved an application no. 37 Kha for taking the "facebook" chatting of prosecutrix

with one Vipul on record. Along with the aforesaid application, the applicant also moved an application no. 38 Kha before the trial court to seal the

proposed documents as annexed with application no. 37 Kha, but the trial court dismissed both the applications. Learned counsel also placed reliance

on the judgments of Honâ??ble Delhi High Court in Dinesh Puri v. State (Govt. of NCT of Delhi) decided on 23.09.2016 and Suresh Kalmadi v. CBI

decided on 22.05.2015.

3. Per contra, learned State Counsel submits that the said application no. 37 Kha is vague and no specific averments were made there. To this,

learned counsel for the applicant confined his prayer only to the extent that a liberty may be given to the applicant to move a fresh well reasoned

application before the trial court and the trial court may consider the same and decide it as expeditiously as possible.

4. Learned State Counsel submits that they have no objection if the applicant moves such fresh application before the trial court.

5. Considering the submissions advanced by the learned counsel for the parties, the order dated 01.02.2021 passed by learned Fast Track, Special

Court/Additional District and Sessions Judge, Dehradun is hereby set-aside. The present criminal misc. application under Section 482 Cr.P.C. is

disposed of with a liberty to the applicant to move a fresh well reasoned application before the trial court within two weeks from the date of

production of certified copy of this order and thereafter the trial court shall consider the same and decide it on its own merits, as expeditiously as

possible, preferably for a period of one month.

6. Let a copy of this judgment be sent to the Court concerned for compliance.