

Court No. - 49

Case :- APPLICATION U/S 482 No. - 12691 of 2021

Applicant :- Constable Ajeet Singh

Opposite Party :- State Of U P And Others

Counsel for Applicant :- Akhank Kumar Jain, Bhanu Pratap Dhakray

Hon'ble Vivek Agarwal, J.

1. Sri B.P. Dhakray alongwith Sri Akhank Kumar Jain, learned counsel for the applicant, Sri Anil Kumar, learned counsel for private respondent and Sri Vikas Goswami, learned AGA for the State.

2. Sri Anil Kumar reading order dated 15.9.2020, whereby an application moved on behalf of the present applicant under section 91 Cr.P.C has been rejected by the court of learned Additional Sessions Judge/ POCSO Act, Court No. 2, Hathras submits that Yesterday arguing counsel for Applicant misrepresented two facts namely that his application under section 91 is still pending and has not been decided, whereas it was already decided on 15.9.2020. It is submitted that main ground to challenge the proceedings before the court below is that as per information received by the applicant under the Right to Information Act, he was on duty as traffic police personnel on 28.2.2019 and his duty timings were from 3:00 to 10:00 pm at Ghaziabad. He was dispatched for duty at 2:00 pm.

3. Sri Anil Kumar submits that this is contrary to fact recorded in the said order dated 15.9.2020, wherein on internal page no. 3, learned Additional Sessions Judge has categorically recorded, that as per the Investigating Officer, he has filed Purcha No. SCD-02, alongwith case diary and according to his investigation, accused carries mob number : 9412882334 and its presence was found close to the place of incident.

4. Sri Vikas Goswami, when asked to supply copy of the Purcha No. SCD-02 enclosed with the case diary, submits that complete case diary has not been sent to the office of Advocate General. Sri Manish Goel, learned Addl. Advocate General is requested to look into the matter, and it is directed that office of Advocate General shall not accept any case diary unless a certificate is appended by the Investigating Officer of the case that he is producing complete original or true copy of the case diary containing page from 1 toalongwith Index of the documents which form part of the case diary, and in case it is found that incomplete case diary is accepted without endorsement of the I.O. causing inconvenience to the court and wastage of precious time then office of Advocate General may

be held responsible and consequences may follow.

5. Let this order be communicated to all the Superintendents Of Police by the learned Addl. Advocate General for its immediate compliance w.e.f. 16.8.2021. Sri Goswami is directed to produce complete case diary on 12.8.2021.

6. Let a copy of this order be supplied to Sri Manish Goel, Addl. Advocate General for the State.

Order Date :- 11.8.2021

S.K.S.