

Court No. - 88

Case :- APPLICATION U/S 482 No. - 9526 of 2024

Applicant :- Smt Anju Madhusoodanan Pillai

Opposite Party :- State Of U.P. Through Secretary Home At Lucknow And Another

Counsel for Applicant :- Vijit Saxena

Counsel for Opposite Party :- G.A.,Ramesh Kumar Pandey

Hon'ble Vikram D. Chauhan,J.

1. Heard learned counsel for the applicant, Sri Ramesh Kumar Pandey, learned counsel for opposite party no. 2 and Sri Ashok Mehta, learned Senior Advocate and Additional Advocate General for the State of U.P.

2. It is submitted by learned counsel for the applicant that the recording of evidence through video conferencing in respect of prosecution witness nos. 2 and 3 have been permitted by the court concerned and the next date fixed is 12.04.2024.

3. Learned counsel for opposite party no. 2 does not dispute the aforesaid fact.

4. In pursuance to the order dated 28.3.2024 passed by this Court, the District Judge, Ghaziabad has submitted his report informing that video conferencing facility is available in the court concerned. He has also given details of the various instructions being issued by him to the judicial officers for effective implementation of the Rules for Video Conferencing for Courts in the State of Uttar Pradesh, 2020. One of the points noted in the aforesaid report pertain to the fact that the prosecution is not requesting for leading evidence by video conferencing.

5. The Central Project Co-ordinator (CPC) has also submitted his report where it has been stated that the facility for video conferencing has been established in the District Court, Ghaziabad and in all the courts of State of Uttar Pradesh. A perusal of the data of recording of evidence through video conferencing submitted by the CPC in respect of the District Judgeship, Ghaziabad requires attention of District Judge, Ghaziabad as smaller districts have secured more evidence through video conference. The Ghaziabad is a district in the national capital region and is required to be more proactive in implementation of the Rules for Video Conferencing for Courts in the State of Uttar Pradesh, 2020.

6. Sri Ashok Mehta, learned Senior Advocate and Additional Advocate General for the State of U.P. has stated that the State is ready to extend all cooperation for recording of evidence through video conferencing. He submits that the Director General of Police is also taking steps in the matter so that the Rules for Video Conferencing for Courts in the State of Uttar Pradesh, 2020 are implemented in letter and spirit. He has further agreed to the fact that the government servants including the police officers and doctors whose evidence are to be recorded will endeavour to secure the same through video conferencing in pursuance to the Rules for Video Conferencing for Courts in the State of Uttar Pradesh, 2020. He submits that the prosecution will take proactive role for recording of evidence through video conferencing where the officers of the State are posted in a district outside the jurisdiction of the court concerned. It is further been assured to the Court that endeavour would be made by the officers and the Director General of Police to hold a meeting with the Commissioner of Police, Senior Superintendent of Police and Superintendent of Police in this respect so that the prosecution can move to the court concerned for recording of evidence through video conferencing in respect of the government servants who are posted outside the district where the case is going on.

7. The Director General of Police shall take necessary steps in respect of recording of evidence through video conferencing in respect of the prosecution witnesses who are posted outside the district where the cases are going on and in this respect necessary orders shall be issued. The Senior Superintendent of Police and Superintendent of Police shall ensure that applications are filed before the court concerned for recording of evidence through video conferencing in respect of the witnesses/government servants who are posted outside the district where the cases are going on. The Director of Prosecution shall also take necessary steps in this respect. A coordinate effort shall be made by the State, Police Authorities and Director of Prosecution so that there is minimal movement of the government officers from one district to another for the purpose of recording of evidence in cases and to ensure that the evidence are recorded through video conferencing. The fact that the infrastructure for Rules for Video Conferencing for Courts in the State of Uttar Pradesh, 2020 has been established from the State Ex-chequer and is for the benefit of the prosecution witnesses and private parties who are parties to the litigation and who are residing outside the jurisdiction of the court. The government servants are also the beneficiaries of the aforesaid Rules for Video Conferencing for Courts in the State of Uttar

Pradesh, 2020 when they are posted outside the district where the case is going on.

8. It is further clarified that the court concerned in the facts and circumstances of each case can direct for personal presence of the witnesses before the court concerned, if the same is required. However, the endeavour of the court concerned should be to get the evidence of prosecution witnesses who are outside the jurisdiction of the court recorded through video conferencing.

9. Let compliance report be filed by the State/Director General of Police and Director of Prosecution in this respect.

10. List this case on 18.04.2024 as fresh.

11. The present matter shall be treated as part heard and tied up to this Bench.

Order Date :- 9.4.2024

VMA