

Court No. - 90

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.

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 learned AGA for the State.

2. This application under Section 482 Cr.P.C. has been filed by applicant for quashing the order dated 17.1.2024 passed by Additional Chief Judicial Magistrate, Court No.6, District Ghaziabad in Case No.1886 of 2018 arising out of Case Crime No.680 of 2017, under Sections 498A, 323 IPC and Section 3/4 Dowry Prohibition Act, 1961, P.S. Indrapuram, District Ghaziabad and direct the court below to take evidence through video conference in Case No.1886 of 2018 (State Vs. Vishnu Nair) pending in the court of Additional Chief Judicial Magistrate, Court No.6, District Ghaziabad in accordance with Rules for Video Conferencing for Courts in the State of Uttar Pradesh, 2020.

3. Sri Ramesh Kumar Pandey, learned counsel for opposite party no.2 submits that in the Magistrate Court of District Ghaziabad, there is no video conferencing facility as per instruction received.

4. The statement made by learned counsel for opposite party no.2 that there is no facility of video conferencing, requires to be ascertained.

5. The Central Project Co-ordinator (CPC), High Court, Allahabad and District Judge, Ghaziabad to submit report in this respect on or before 2nd April, 2024.

6. In the event, video conferencing facility is not available in the court concerned where the present matter is going on, the District Judge, Ghaziabad shall submit his report as to why video conferencing facility has not been initiated in the court concerned.

7. Rules for Video Conferencing for Courts in the State of Uttar Pradesh, 2020 has been made in the year 2020 and sufficient time has been granted to raise infrastructure. The courts cannot be permitted to sleep over the matter in respect of video conferencing facility. The report shall be submitted positively by the Central Project Co-ordinator (CPC), High Court, Allahabad and the District Judge, Ghaziabad in this respect.

8. The District Judge, Ghaziabad shall also intimate this Court as to how many courts are enabled for video conferencing and how many courts are recording evidence through video conferencing in last two months. In the event, courts are not recording evidence where the prosecution witnesses are outside the district, the District Judge, Ghaziabad shall also explain as to why the officers of judiciary of District Ghaziabad are not taking interest in implementation of Rules for Video Conferencing for Courts in the State of Uttar Pradesh, 2020 and why action be not initiated for not following the direction of law.

9. Learned AGA shall also obtain instruction from the Principal Secretary (Law), Uttar Pradesh in this respect, as this Court is finding that video conferencing facilities are not being extended to the prosecution witnesses, who are outside the district where the case is going on.
10. The Principal Secretary (Law), Uttar Pradesh shall also explain as to what steps have been taken by the Government in this respect so that movement of prosecution witnesses from one district to another, who are generally government officials is saved and valuable time of government officers are not spend in travelling to other district for appearance before the court.
- 11 It is to be noted that video conferencing infrastructure has been established by public money and it has to be best utilized. The report of the Principal Secretary (Law), Uttar Pradesh shall also be placed before this Court on the next date.
12. List this case again on 2nd April, 2024 as fresh.
13. Registrar (Compliance) of this Court is directed to send a copy of this order to the Central Project Co-ordinator (CPC), High Court, Allahabad, District Judge, Ghaziabad and Principal Secretary (Law), Uttar Pradesh within 24 hours.
14. Learned AGA shall also send a copy of this order to the Principal Secretary (Law) forthwith. The Principal Secretary (Law), Uttar Pradesh shall also obtain report from the Director General of Police, Uttar Pradesh in this respect.
15. In the meantime, the court concerned is hereby directed that in the event any prosecution witness applies for leading evidence through video conference, such application shall be granted if video conferencing facility is available and in case, there is any difficulty in getting connectivity, the court concerned, thereafter, can only ask the prosecution witness to appear in person. The court concerned shall follow this direction without any exception.

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