

Neutral Citation No. - 2023:AHC-LKO:58503

AFR

RESERVED ON 03-08-2023

DELIVERED ON 11-09-2023

Court No. - 28

Case :- APPLICATION U/S 482 No. - 6864 of 2023

Applicant :- Smt. Sangeeta Shukla

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy.
Home Civil Sectt. Lko. And Others

Counsel for Applicant :- Nadeem Murtaza, Amitav
Singh, Umang Agarwal

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh, J.

1. Heard Sri Nadeem Murtaza, Sri Amitav Singh, Sri Umang Agarwal, learned counsels for the applicant, Sri Nirmal Kumar Pandey, learned A.G.A. for the State and Sri Janardan Dixit, learned counsel for the opposite parties no. 2 & 3.

2. By means of instant application, the applicant has assailed the impugned orders dated 26-06-2023, annexed as annexures No. 1 & 2 to the application, passed by the learned Additional District and Sessions Judge/Special Judge, POCSO Act, Court No. 1, Lucknow, by which, the charges were framed against the applicant under sections 323 & 506 of I.P.C. and Section 10 of the POCSO Act, in Sessions Trial No. 1991

of 2023 namely 'The State of U.P. Versus Sangeeta Shukla', arising out of first information report no. 15 of 2022, Police Station-Cantt., District-Lucknow. Further has assailed the chargesheet submitted in first information report no. 15 of 2022, which is annexed as Annexure No. 3 with the paper book as well as the summoning order dated 24-08-2022.

3. The factual matrix of the case is that the applicant and her husband namely Lt. Colonel, Shiv Narain Shukla,(hereinafter referred as opposite party no.3), were known to each other since before their marriage and the marriage was solemnized on 23-03-2006 at Pathankot. Soon after their marriage, the applicant and her husband started living at Pathankot in army camp and thereafter two daughters, one aged about 14 years and her younger sister aged about 13 years, were born out of their wedlock on 13-01-2008 and on 12-09-2009 respectively. After the marriage, the husband of the applicant was posted at different places and when he was posted at Pune, in-laws of the applicant visited over there and started humiliating the applicant while taunting that the applicant is failed to give birth to a male child and she was also beaten by them.

4. He added that on the instigation of in-laws, the husband of the applicant had also become hostile and he usually beat the applicant and also started assassinating her character and when this became unbearable, the applicant made a complaint to the nearest police station at Barabanki and narrated the

entire incident and both were called upon, wherein, the husband of the applicant apologized before the police officials and assured that he will mend his ways. Thereafter, the opposite party no. 3 was posted at IIT Bombay for pursuing his M.Tech Course, but, the husband of the applicant refused to take the applicant and her minor children and thus, the applicant took a flat on rent at Ansal API, Lucknow and stayed there with her minor daughters. Further a flat was purchased in the joint names of the applicant and her husband, wherein; most of the amount was paid by the applicant and the E.M.I's. against the loan amount has been paid by her.

5. Further argued that in the year 2017, the husband of the applicant took signatures of the applicant on the blank paper with ill motive and in the year 2019, misusing those papers, he succeeded to get decree of divorce and he started torturing minor daughters and instigated them against their own mother. The applicant narrated her plight to the senior officials before the Army Wives Welfare Association. He added that in the month of April, 2021, the opposite party no. 3 i.e. the husband of the applicant, took away the children from the school and pressurized the applicant to resign from school. Thereafter, the children again got admissions in the month of October, 2021, in the A.P.S., Bhatinda on the several request of the applicant.

6. It has also been said that on 21-12-2021, the husband of the applicant tried to kill her by pressing a

quilt over her mouth and tried to smother her. On 25-12-2021, the applicant gave an application at one Staff Centre/Asha Jyoti Kendra, Lucknow and to the Regional President, Army Wives Welfare Association, narrating her plight and the immense physical and mental harassment caused by her husband, but, due to the influence of her husband, the applicant was denied any maintenance from AWWA .

7. He contended that being puzzled and harassed by the opposite party no. 3, the applicant lodged the first information report on 27-12-2021, which was registered as First Information Report No. 186 of 2021, at Police Station-Cantt., District-Lucknow under sections 498-A,323,504 & 506 of I.P.C. and Section 3/4 of the Dowry Prohibition Act, thereby stating that she is being mentally tortured and dowry is also being demanded. Thereafter, the investigation was done and the chargesheet was filed against the opposite party no. 3.

8. Adding his arguments, he submits that on application dated 25-12-2021, the officials of One Staff Centre went to the matrimonial home of the applicant; wherein, they were told by the daughters of the applicant that they want their mother to be back at home. Thereafter, on 29-12-2021, an application was given by the husband of the applicant for counselling of his daughters and for production of his daughters before the Bal Kalyan Samiti, Lucknow. On 29-12-2021, after counselling of the daughters, a report was

submitted, which reveals that there is no allegation of sexual assault or any sort of bad touching as is alleged.

9. It is argued that unbelievable story has been narrated in the first information report by the father of the alleged prosecutrix and thereafter, the Investigating Officer without collecting the material evidences, filed the chargesheet against the present applicant, who is admittedly the mother of the opposite party no. 2. He submits that under the duress, the statements of the daughter were got recorded under section 161 and thereafter, under section 164 of Cr.P.C. before the trial court.

10. Next submission is that the learned trial court, without application of judicial mind, has taken cognizance on the chargesheet and issued the summons against the applicant and thereafter, the copy of the case diary was provided on 26-06-2023 in pre lunch session, while complying with the mandate of the provisions of Section 207 of Cr.P.C. and thereafter, in the post lunch session, learned trial court framed the charges against the applicant. He also added that an application under section 207 of Cr.P.C. was moved by the applicant through her counsel on 26-06-2023 and it is apparent from the order dated 26-06-2023 of the pre lunch session that the counsel for the applicant has noted on the ordersheet itself, that the copy of the requisite prosecution record is not served either to the applicant or her counsel. He submits that the documents were only served to the applicant, on 07-

07-2023, whereas the impugned order for framing of charges upon the applicant was passed on 26-06-2023 itself.

11. Further urged that even assuming the fact that the copies of the documents were handed over to the applicant on 26-06-2023, even then, no reasonable period of time has been given to the applicant to go through the prosecution record/case diary or to move a discharge application. It has been submitted that right to fair trial has been held to be a fundamental right as guaranteed under Article 21 of the Constitution of India, which has been discussed in case of Hussainara Khatoon & Ors. Vs. Home Secretary, State of Bihar, reported in 1979 AIR 1369 and the procedure prescribed by law so far as the trial is concerned, is provided in the Criminal Procedure Code, 1973 i.e. the trial to be conducted by the Court of Sessions, as laid down in Chapter XVIII starting from sections 225 to sections 237 whereas Sections 227 & 228 of Cr.P.C. provide the provision of discharge and framing of charges, respectively. He added that the discharge is a valuable right of an accused and the trial starts after the charges are framed i.e. the subsequent stage of discharge, but, the trial court in the instant matter, has ignored the aforesaid provisions.

12. In support of his contentions, he has placed reliance on a case reported in **(1979) 3 SCC 4, Union of India Vs. Prafulla Kumar Samal** and has referred

paragraphs 4,7 & 10 of the abovesaid Judgment, which are reproduced as under :-

"4. *We might state, to begin with, that so far as the present case (offences committed under the Prevention of Corruption Act) is concerned it is regulated by the procedure laid down by the Criminal Law Amendment Act under which the police has to submit a charge-sheet directly to the Special Judge and the question of commitment to the Court of Session does not arise, but the Sessions Judge has nevertheless to follow the procedure prescribed for trial of sessions cases and the consideration governing the interpretation, of Section 227 of the Code apply mutatis mutandis to these proceedings after the charge-sheet is submitted before the Special Judge.*

7. *Section 227 of the Code runs thus:*

"If, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing."

The words "not sufficient ground for proceeding against the accused" clearly show that the Judge is not a mere post office to frame the charge at the behest of the prosecution, but has to exercise his judicial mind to the facts of the case in order to determine whether a case for trial has been made out by the prosecution. In assessing this fact, it is not necessary for the court to enter into the pros and cons of the matter or into a weighing and balancing of evidence and probabilities which is really his function after the trial starts. At the stage of Section 227, the Judge has merely to sift the evidence in order to find out whether or not there is sufficient ground for proceeding against the accused. The sufficiency of ground would take within its fold the nature of the evidence recorded by the police or the documents produced before the court which ex facie disclose that there are suspicious circumstances against the accused so as to frame a charge against him.

10. *Thus, on a consideration of the authorities mentioned above, the following principles emerge:*

(1) That the Judge while considering the question of framing the charges under Section 227 of the Code has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out.

(2) Where the materials placed before the Court disclose grave suspicion against the accused which has not been properly

explained the Court will be fully justified in framing a charge and proceeding with the trial.

(3) The test to determine a prima facie case would naturally depend upon the facts of each case and it is difficult to lay down a rule of universal application. By and large however if two views are equally possible and the Judge is satisfied that the evidence produced before him while giving rise to some suspicion but not grave suspicion against the accused, he will be fully within his right to discharge the accused.

(4) That in exercising his jurisdiction under Section 227 of the Code the Judge which under the present Code is a senior and experienced court cannot act merely as a Post Office or a mouthpiece of the prosecution, but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the Court, any basic infirmities appearing in the case and so on. This however does not mean that the Judge should make a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial."

13. Referring the aforesaid, he submits that after due consideration, certain guidelines were framed which says that the court while exercising it's jurisdiction under section 227 of the Code, cannot merely act as post office or a mouthpiece of prosecution, but, has to consider the broad probabilities of the case and the total effect of the evidence, but, it is not extended to touch the periphery of the trial. He added that so far as the present case is concerned, the trial court has overlooked the ratio of the Judgment in the case of **Union of India Vs. Prafulla Kumar Samal(Supra)** and straightaway proceeded for framing of the charges.

14. While further placing reliance on the case reported in **(2012)9 SCC 460, Amit Kapoor Vs. Ramesh Chander**, he submits that the framing of charges is an exercise of jurisdiction by the trial court in terms of the Section 228 of the Code, unless the accused is

discharged under section 227 of the Code and thus, it is evident that the court is required to consider the record of the case and the documents submitted therewith and therefore, it emerges that reasonable opportunity of hearing is essential.

15. Again, reliance has been placed on the Judgment reported in **2021 SCC Online SC 367, Sanjay Kumar Rai Vs. State of Uttar Pradesh and Another**, and has referred paragraph no. 19 of the judgment, which is reproduced as follows :-

"19. The High Court has committed jurisdictional error by not entertaining the revision petition on merits and overlooking the fact that 'discharge' is a valuable right provided to the accused. In line with the fact that the High Court and the court below have not examined the fairness of criminal investigation in this case and other related aspects concerning improvement of witness statements, it is necessary for the High Court to reconsider the entire matter and decide the revision petition afresh. Accordingly, we set aside the impugned order dated 28.11.2018 and remand the case back to the High Court for its reconsideration in accordance with law."

16. Referring the aforesaid, he submits that Hon'ble Apex Court has reiterated that 'discharge is a valuable right provided to the accused' and therefore, fairness of criminal investigation as well as other related aspects, must be examined at the level of the discharge.

17. Concluding his arguments, he submits that the applicant is a highly educated lady, who completed her B.Sc. in the year 2003, and had also obtained two B.Ed degrees in the year 2008 & 2018 and Diploma Course of PGDVA in Human Rights Resource Management from Symbiosis School and also worked as teacher for some time, but, the opposite party no. 3

being annoyed and inimical has hatched the applicant in a criminal conspiracy and as a result whereof, the applicant is facing criminal proceedings and being harassed.

18. Further submitted that the reasonable opportunity of hearing as well as time has not been accorded by the trial court on discharge and the order dated 26-06-2023 has been passed in post lunch session by the trial court, whereby charges have been framed under sections 323 & 506 of I.P.C. and Section 10 of the Protection of Children from Sexual Offences Act, 2012(hereinafter referred to as Act,2012). Therefore, submission is that the impugned orders dated 26-06-2023 passed in the pre lunch session and post lunch session, by which the charges have been framed, may be set aside and the learned trial court may be directed to hear the applicant on discharge and further the consequential proceedings, may also be set aside.

19. Per contra, learned counsel appearing for the opposite nos. 2 & 3 has vehemently opposed the contentions of the learned counsel for the applicant and submits that the prosecutrix is the minor daughter of the applicant and the minor daughter, who is innocent, in her statements recorded under sections 161 & 164 Cr.P.C., has stated that she has been preyed of bad touch and sexual harassment by her mother and thus, she has fully supported the version of the prosecution. The victim was also produced before the Child Welfare Committee, Lucknow, wherein she also

reiterated her statement. He added that the Investigating Officer thoroughly investigated the matter and after recording the statements of the victim as well as other witnesses and collecting the cogent evidences against the accused, filed the chargesheet and the Magistrate has rightly taken cognizance and has issued summons and in case of avoidance of criminal proceedings by the applicant, non bailable warrant was also issued on 10-12-2022, whereafter, the applicant was arrested and sent to jail.

20. Further contention of learned counsel for the opposite parties no. 2 & 3 is that on 26-06-2023, an application for recall of the order of non bailable warrant was submitted by the applicant and thereafter, he also moved a discharge application, whereafter the same was dismissed and the charges were framed against the applicant under sections 323 & 506 of I.P.C. and Section 10 of the POCSO Act. Thereafter, on 07-07-2023, the Examination-in-Chief of the prosecutrix has been completed and the next date was fixed on 19-07-2023 for recording the cross examination of the prosecutrix. He added that from perusal of the pre lunch session order dated 26-06-2023, it reveals that there is compliance of provision of Section 207 of Cr.P.C. as the prosecution documents have been provided to the applicant and thereafter, the matter was posted after lunch session, wherein the applicant alongwith her counsel appeared before the court concerned and the learned counsel for the applicant was heard alongwith the Public Prosecutor, which is

apparent from the impugned order. He added that there is no iota of evidence that the applicant or her counsel has ever, requested for adjournment of the case or for providing further opportunity of hearing.

21. A.G.A. appearing for the State submits that so far as the endorsement made on the pre lunch session, on the order dated 26-06-2023, that '**copy प्राप्त नहीं कराई**', is concerned, the same is being belied as per the appearance of the counsel for the applicant in the post lunch session, which is evident in the order dated 26-06-2023, wherein, the learned counsel for the applicant appeared and has argued the case.

22. Fortifying his arguments, he submits that looking into charges framed against the applicant under the POCSO Act, and the procedure prescribed under section 35 (2) of the Act, 2012, it is apparent that Special Court is mandated that the trial shall be completed as far as possible, within period of one year from the date of taking cognizance of the offence. For ready reference, Section 35 of the Act, 2012, is reproduced hereinunder :-

"35. Period for recording of evidence of child and disposal of case-(1) *The evidence of the child shall be recorded within a period of thirty days of the Special Court taking cognizance of the offence and reasons for delay, if any, shall be recorded by the Special Court.*

(2) *The Special Court shall complete the trial, as far as possible, within a period of one year from the date of taking cognizance of the offence."*

23. He argued that it is apparent from the conduct of the applicant that after issuance of the summons, accused persons did not put their appearance before the nonailable warrants were issued against them and thereafter, the applicant was arrested on 12-12-2022 and was sent to jail. This clearly shows that the applicant is adopting dilly dallying tactics, which infact, is not permitted as per the intent of legislature, which is evident from the provision of Section 35 (2) of the Act,2012, and therefore, following the aforesaid provisions, the trial court has rightly proceeded in the matter and is trying to conclude the trial, at the earliest.

24. Adding his arguments, he submits that there is no unlawfulness or perversity in the order dated 26-06-2023 as the applicant has failed to establish her case that she was not afforded the reasonable period of time so as to be heard on discharge, contrary to it, learned counsel for the applicant was present and argued the matter and thereafter, the charges were framed. But, once, the applicant failed to be successful in delaying the matter, she raised the plea, which could not be substantiated either by the counsel for the applicant or from the records submitted with the paper book. Therefore, the contention is that the instant application has no merit and the same may be dismissed.

25. Having heard learned counsel for the parties and after perusal of material placed on record, it transpires that the first information report was lodged on 10-02-

2022, under sections 323,354, 506,120-B of I.P.C. and Section 7/8 of the POCSO Act, 2012 at Police Station-Cantt., District-Lucknow, on the orders of U.P. State Commission for Protection of Children's Rights and thereafter, the statement of the prosecutrix was recorded under section 161 of Cr.P.C. on 14-02-2022 and on 15-03-2022, the statement of the prosecutrix was recorded under section 164 of Cr.P.C. and in both the statements, the prosecutrix has fully supported the version of the prosecution. The chargesheet was filed by the Investigating Officer on 19-08-2022, under sections 323 & 506 of I.P.C. and section 9/10 of the POCSO Act, and thereafter, on 24-08-2022, the trial court took cognizance and summoned the accused persons for facing trial and in case of non appearance, the non bailable warrant was issued, wherein the applicant was arrested and sent to jail. For faster disposal of the matter, the Special POCSO Court separated the file of the applicant from the other co-accused persons on 31-05-2023.

26. It is apparent that on 26-06-2023, in the pre-lunch session, the following order was passed :-

दिनांक-26.06.2023 पत्रावली पेश हुई। पुकार कराई गयी। पुकार पर अभियुक्ता संगीता शुक्ला मय विद्वान अधिवक्ता उपस्थित। अभियुक्ता संगीता शुक्ला के विरुद्ध पूर्व में जारी गैर जमानतीय वारंट को निरस्त करने के लिए प्रार्थनापत्र मय शपथपत्र व आधार कार्ड तथा आई.डी. की छाया प्रति दाखिल की गयी तथा कहा गया कि प्रार्थिनी/अभियुक्ता गुडगांव में रहती है। इस लिए वह नियत तिथि पर उपस्थित नहीं हो पाई। प्रार्थिनी/अभियुक्ता संगीता शुक्ला को न्यायिक अभिरक्षा में लिया जाये।

विद्वान अभियोजन अधिकारी द्वारा मौखिक रूप से विरोध किया गया।
सुना तथा पत्रावली का अवलोकन किया।

पत्रावली के अवलोकन से स्पष्ट है कि प्रस्तुत मामले में आवश्यक अभियोजन प्रपत्रों की प्रति अभियुक्ता वा उसके अधिवक्ता को प्राप्त नहीं करायी गयी है। कार्यालय/रीडिर/मुंसरिम को निर्देशित किया जाता है कि वह तत्काल अभियुक्ता व उनके अधिवक्ता को आवश्यक अभियोजन प्रपत्रों की प्रति उपलब्ध करायें। पत्रावली लंच बाद पेश हो।

दिनांक-26.06.2023

(आशुतोष कुमार सिंह)

अपर जिला एवं सत्र न्यायाधीश/विशेष न्यायाधीश,
पॉक्सो एक्ट, कोर्ट नं०- 1, लखनऊ।

27. From perusal of the order abovesaid, it transpires that in case of the non appearance of the applicant before the trial court, the nonailable warrant was issued, wherein an application was moved by the applicant for recall of the order of issuance of nonailable warrant and she was heard, after taking her in judicial custody and thereafter, the compliance of provisions of Section 207 of the Cr.P.C., has been done and the matter was directed to be posted after lunch session.

28. Further; in the post lunch session, the following order was passed :-

“26-06-2023

पत्रावली प्रस्तुत हुई। पुकार पर अभियुक्ता **संगीता शुक्ला** मय विद्वान अधिवक्ता उपस्थित। अभियुक्ता के विद्वान अधिवक्ता व विद्वान विशेष लोक अभियोजक उपस्थित।

अभियुक्ता की ओर से कथन किया गया कि उसके विरुद्ध धारा - 323, 506 भा०दं०सं० व धारा-9/10 पॉक्सो एक्ट का आरोप नहीं बनता है। उसे मामले से उन्मोचित किया जाए।

विद्वान विशेष लोक अभियोजक द्वारा कथन किया गया है कि पत्रावली पर मौजूद साक्ष्यों के आधार पर अभियुक्त के विरुद्ध आरोप विरचित किये जाने के आधार पर्याप्त हैं।

मैंने आरोप के बिन्दु पर विद्वान विशेष लोक अभियोजक व अभियुक्त के विद्वान अधिवक्ता को सुना एवं पत्रावली का परीशीलन किया।

पत्रावली पर उपलब्ध प्रलेखीय साक्ष्य का अवलोकन करने तथा अभियुक्ता के विद्वान अधिवक्ता एवं विद्वान विशेष लोक अभियोजक को सुनने के उपरान्त मेरा यह मत है कि अभियुक्ता के विरुद्ध धारा -323, 506 भा०दं०सं० व धारा-9/10 पाँक्सो एक्ट के अन्तर्गत आरोप विरचित किये जाने हेतु पर्याप्त आधार हैं।

अतः अभियुक्ता **संगीता शुक्ला** के विरुद्ध धारा-323, 506 भा०दं०सं० व धारा-9/10 पाँक्सो एक्ट के अन्तर्गत आरोप विरचित किया जाता है।

पत्रावली वास्ते साक्ष्य दिनांक-07-07-2023 को पेश हो। गवाहान तलब हों।

दिनांक-26.06.2023

(आशुतोष कुमार सिंह)

अपर जिला एवं सत्र न्यायाधीश/विशेष न्यायाधीश,

पाँक्सो एक्ट, कोर्ट नं०- 1, लखनऊ।

29. While going through the abovesaid order, it emerges that the present applicant alongwith her counsel, appeared before the trial court in the post lunch session and the counsel for the applicant was heard. The applicant as well as the counsel for the applicant, neither moved any application for adjournment of the case nor made any objection while hearing the matter for providing further opportunity of hearing.

30. This court is aware of the fact that the charges have been framed against the present applicant under the provisions of POCSO Act, wherein under section 35(2) of the Act, there is a provision that the Special Court dealing with the matters of the offences under the POCSO Act, shall complete the trial, as far as possible, within a period of one year, from the date of taking cognizance of the offence and therefore, the trial court very well proceeded in the matter, following the mandate abovesaid.

31. It is also evident that the applicant was avoiding her appearance before the trial court after issuance of the summons in the month of August, 2022, uptill she was arrested in the month of December, 2022 and the matter could very hardly put into motion by the trial court and the applicant appeared, after issuance of the nonailable warrant, which itself is overt that the present applicant is trying to delay the matter, so that she could escape from the clutches of the law.

32. When this court examines the crux of the matter, as to whether the proper opportunity was accorded to the present applicant or not; it emerges from the order dated 26-06-2023 (pre lunch session) that the compliance of the provision of Section 207 of the Cr.P.C. is done by the trial court and thereafter, the matter was posted for after lunch session, wherein the present applicant alongwith her counsel appeared and the counsel for the applicant was heard, which is apparent from the order itself. It also reveals that neither any application for adjournment of the case nor any objection was filed, regarding grant of further time and the applicant alongwith her counsel appeared before the trial court and opted for arguments on framing of charges.

33. It is trite law that discharge is a valuable right of an accused and that cannot be circumvented, but, at the same time, there can be no straight jacket formula for examining that opportunity of discharge is infact been

accorded or not and this can be looked into as per its facts and circumstances, in each and every case.

34. Law is also settled that once the court comes to the conclusion to frame the charges, reasons are not required to be recorded, but, as soon as the court decides to discharge an accused, it is incumbent upon the trial court to record the reasons in writing.

35. So far as the present case is concerned, it is apparent from the impugned order itself, that the provisions of the Code including the provisions of Section 207 of Cr.P.C. have very well been complied with and it is not the case of the present applicant that even after an application for granting further time, the court has proceeded to frame the charges, contrary to it, the present applicant alongwith her counsel was present before the trial court and counsel for the applicant was properly heard and therefore, there seems to be no merit in the contentions of learned counsel for the applicant that the applicant was not afforded an opportunity to be heard on discharge.

36. This court has also prima-facie noticed that the endorsement, which has been shown on the order dated 26-06-2023, at pre lunch session, is not genuine and that has perhaps subsequently, been made as after having at a glance, on the order dated 26-06-2023, it is evident that the applicant and her counsel appeared before the trial court in the post lunch session. Therefore, no prejudice is caused to the applicant as such.

37. In view of aforesaid submissions and discussions, this court finds no merit in the instant application, consequently, the same is hereby ***dismissed***.

38. It is made clear that the observations made as above, would have no bearing on the merits of the trial.

Order Date :- 11-09-2023

AKS