

Court No. - 84

Case :- CRIMINAL REVISION No. - 70 of 2024

Revisionist :- Gurendra @ Golu

Opposite Party :- State of U.P. and Another

Counsel for Revisionist :- Manoj Kumar, Sudhakar Yadav

Counsel for Opposite Party :- G.A., Rajneesh Kumar Sharma, Sunil Kumar Singh

Hon'ble Sanjay Kumar Singh, J.

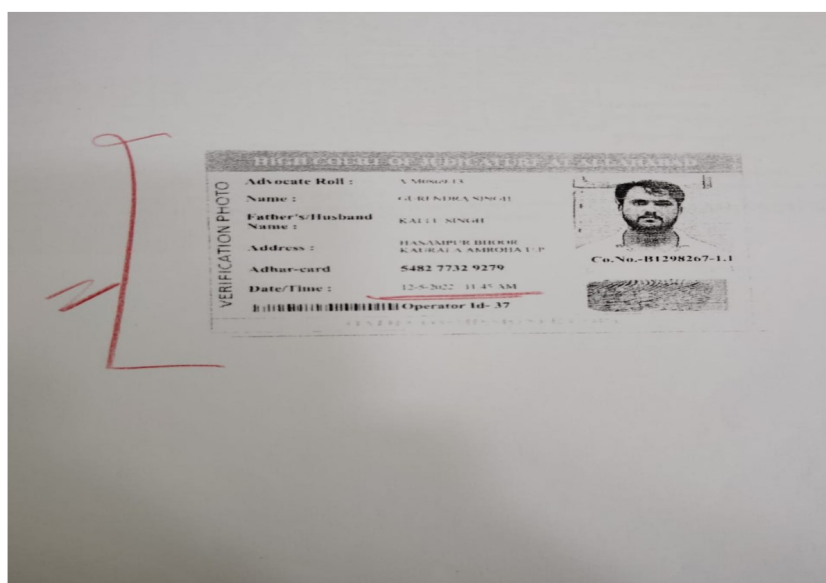
1-Heard Mr. Sudhakar Yadav and Mr. Manoj Kumar, learned counsel for the revisionist, Mr. Sunil Kumar Singh, learned Advocate (Advocate Roll A/S1550/2012), who had filed his Vakalatnama dated 29.01.2024 on behalf of opposite party No. 2 and Mr. Rajneesh Kumar Sharma, learned Advocate (Advocate Roll A/R0600/2019) who after taking no objection certificate from Mr. Sunil Kumar Singh on 04.07.2024, filed his Vakalatnama on 09.07.2024 and counter affidavit dated 18.07.2024 on behalf of opposite party No. 2 sworn to by Pushpa (injured/victim of this case) and Mr. Vikrant Pandey, Secretary, High Court Bar Association, Allahabad.

2-Filtering out unnecessary details, relevant facts of the case are that the complainant /opposite party No. 2 got a First Information Report lodged on 12.05.2022 at 11:22 AM against four persons namely Kallu, Gurendra (revisionist), Ravi and Mukesh, which was registered at Case Crime No. 0113 of 2022, Police Station Bachhraun, District-Amroha, wherein it is alleged inter alia that in the morning of 12.05.2022 at about 09:00 o'clock, the accused persons fired gunshot which hit his sister, who is seriously injured. The injury report of injured Puspha Devi shows that she received six injuries and as per opinion of the doctor, the injuries are grievous in nature and caused by firearm.

3-After culmination of the investigation, investigating officer submitted charge-sheet against the accused-revisionist

(Gurendra alias Golu) and Kallu. Thereafter discharge application dated 20.07.2023 of the revisionist has been rejected by the trial court vide order dated 02.12.2023, which is the subject matter of challenge in the present case.

4-Learned counsel for the revisionist taking the plea of alibi of the accused-revisionist, submits that on the day and time of the alleged incident dated 12.05.2022, revisionist was not in District Amroha but he was present at the Photo Identification Centre of High Court, Allahabad, which is about 700 Kilometres away from the place of incident (District Amroha) and on 12.05.2022 at 11:45 AM, he got his photograph clicked at Photo Identification Centre of High Court, Allahabad for filing an affidavit in a case filed by his wife Smt. Pushpa (victim of this case) under Section 125 Cr.P.C. It is also submitted that on the basis of said plea of alibi, revisionist has been granted bail by the co-ordinate Bench of this Court vide order dated 05.12.2022 passed in Bail Application No. 46118 of 2022. On the said plea of alibi, this criminal revision has also been admitted and further proceeding of the trial against the revisionist has been stayed vide interim order dated 15.04.2024. The scanned copy of said verification photo dated 12.05.2022 of the revisionist filed as Annexure No. 6 at page No. 54 of the affidavit is pasted herein below:-

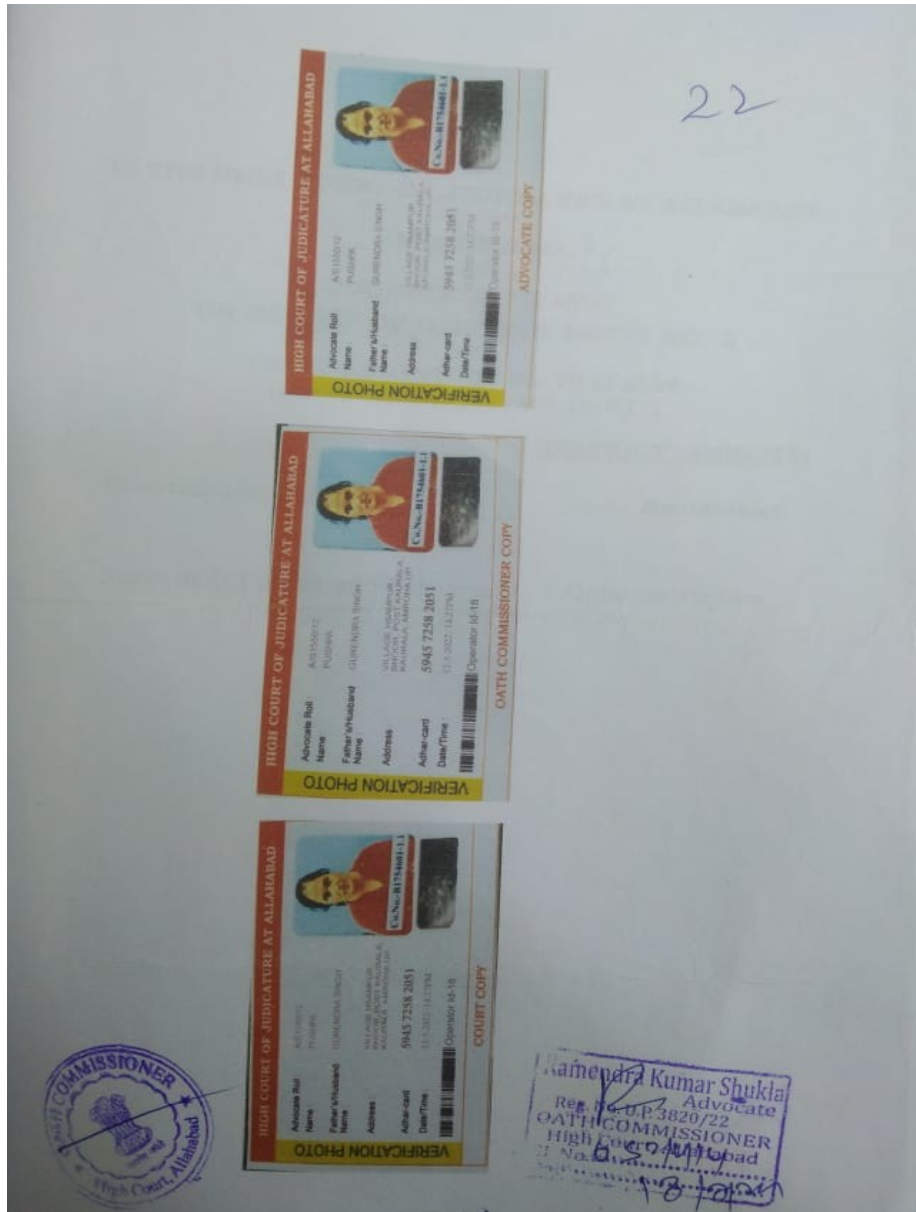


5-Per contra, Mr. Rajneesh Kumar Sharma, learned counsel for the complainant/opposite party No.2 vehemently opposed the aforesaid submissions raised on behalf of the revisionist by submitting that in this case, charges have been framed against the revisionist on 08.01.2024, but this fact was not brought to the notice of the Court by the counsel for the revisionist at the time of passing interim order dated 15.04.2024 in the present case. It is also pointed out that the revisionist did not file or use the said verification photo dated 12.05.2022 in question, in the case under Section 125 Cr.P.C. filed against him, therefore, stand of the revisionist that he got his photograph clicked at Photo Identification Centre of High Court, Allahabad for filing affidavit in a case filed by his wife Smt. Pushpa under Section 125 Cr.P.C. is also not corroborated from the record. He has vehemently urged that on spending money, the photo of any person can be taken / clicked on back date and time at Photo Identification Centre of High Court, Allahabad. Much emphasis has been given by contending that there is a gang of some persons at Photo Identification Centre of High Court, Allahabad who are involved in such type of work taking huge amount from the people/litigants. He has also submitted that in order to prove /establish this fact that revisionist has managed his verification photo on back date, injured-Pushpa also came to Prayagraj after one year of the incident on 13.06.2023 and after managing the things got her photograph clicked on back date at Photo Identification Centre of the High Court, Allahabad. The averment in this regard has been mentioned in paragraph No. 25 of the counter affidavit dated 18.07.2024, which is extracted herein below:-

“25. That the deponent/injured started journey on dated 12.06.2023 from Gajraula railway station District Amroha to District Prayagraj via train in general compartment and reached on Photo Verification Center of Allahabad High Court on dated 13.06.2023 and the deponent/injured contacted a person at Photo Verification Center whom the people present there were calling Tivari Ji and the deponent talked to that person regarding photo verification on the previous date, the person demanded 7000/-Rs. but the photo

verification taken on the previous date was final for 3000/- Rs. and after payment of 3000/-Rs. by the deponent/injured, a photograph taken on a previous date was provided to the deponent and the date was mentioned in the photograph 12.05.2022 at 14.27 AM. A copy of the photograph issued by verification center of this Hon'ble Court in being filed herewith and marked as Annexure No. C.A. 3 to this affidavit.”

The scanned copy of the said verification photo dated 12.05.2022 of the revisionist filed as Annexure No. 3 at page No. 22 of the counter affidavit dated 18.07.2024 is pasted herein below:-




Lastly, he has submitted that a software which is being used at Photo Identification Centre, High Court, Allahabad can edit the particulars of the verification photo issued by the Photo Identification Centre.

6-Previously, the matter was heard on 19.09.2024. Since the Photo Identification Centre of High Court, Allahabad is under the control of High Court Bar Association, Allahabad, therefore, Mr. Vikrant Pandey, Secretary, High Court Bar Association, Allahabad was called to assist the Court in the matter and was orally directed to make an enquiry from his own level.

7-In response, Mr. Vikrant Pandey, Secretary, High Court Bar Association, has submitted a report dated 23.09.2024 along with a note dated 20.09.2024 of President and report dated 21.09.2024 of Pawan Kumar Panday, undated joint report of Ravi Twari, Badri Prasad (unsigned), Gaurav Sahu and Ashish Malviya, report dated 21.09.2024 of Samad Ahmad, Partner, Webmakerz India, report dated 21.09.2024 of Pankaj Kumar Srivastava, Manager Photo Identification Centre of High Court, Allahabad on the letter Pad of Niharika Enterprises, 21/4 Kala Danda Himmatganj Prayagraj, duplicate copy of verification photo dated 12.05.2023 of victim-Pushpa. Scanned copy of verification photo dated 12.05.2022 provided by Pushpa, duplicate verification photograph dated 21.09.2024 of Gaurav Sahu and receipt of Rs. 70/- dated 21.09.2024, which is taken on record.

8-During the course of argument Mr. Vikrant Pandey, Secretary, High Court Bar Association, Allahabad also submits that in the enquiry from his level, he with a view to get the allegations verified, deposited a sum of Rs. 70/- on 21.09.2024 and thereafter, the person concerned made an effort to change the date as 15.09.2024, but the same could not be changed and the date was displayed as 21.09.2024 on the computer. Mr. Vikrant Pandey, made emphasis by contending that the issue involved in the present case is a serious matter, therefore, order for C.B.I. enquiry should be done.

9-The scanned copy of aforesaid report dated 23.09.2024 (excluding it's enclosures) is pasted herein below:-



HIGH COURT BAR ASSOCIATION, ALLAHABAD

हाईकोर्ट बार एसोसिएशन, इलाहाबाद

President

Anil Tiwari ☎ 9415217023

Hony. Secretary

Vikrant Pandey ☎ 9415338989

Senior Vice President

Rajesh Khare 9415218872

Vice President

Agnihotri Kumar Tripathi 9936834032
 Akhilesh Kumar Mishra 9415645507
 Subhash Chandra Yadav 9415568748
 Niraj Tripathi 9450635214
 Smt. Nilam Shukla 9415123870

Join Secretary Administration

Sumit Kumar Srivastava 7376334123

Join Secretary Library

Abhijeet Kumar Pandey 9696844551

Join Secretary Press

Puneet Kumar Shukla 9794768666

Join Secretary Women

Anchal Ojha 8726456015

Treasurer

Ran Vijay Singh 9415081979

Member of Governing Council

Udisha Tripathi 7523904421
 Km. Manisha Singh 6388808050
 Kiran Singh 9565675003
 Abhishek Mishra 7052881294
 Avadhesh Kumar Mishra 9838545376
 Abhishek Tiwari 6394044935
 Sachchidanand Yadav 9721611711
 Dinesh Yadav 8726857233
 Ratnesh Kumar Pathak 9918806848
 Rajesh Shukla 9450125256
 Sarveshwar Lal Srivastava 9451873706
 Ved Prakash Ojha 8948171585
 Baldev Shukla 9415772063
 Amarnath Tripathi 9793988770
 Brajesh Kumar Singh (Sengar) 9415750568

H.C.B.A. Ref. No. _____ Dated _____ 23.09.2024

सेवा में,

न्यायपीठ सचिव,
 न्याय कक्ष सं०-८४,
 उच्च न्यायालय, इलाहाबाद।

अधोहस्ताक्षरी से माननीय न्यायालय द्वारा आहूत फोटो आइडेंटिफिकेशन सेंटर से संबंधित जॉच आख्या महोदय,

दिनांक 19.09.2024 को माननीय न्यायालय ने एक क्रिमिनल रिवीजन संख्या-70/2024 (गुरेन्द्र उर्फ गोलू बनाम उ०प्र० राज्य व अन्य) में एक तथ्य प्रकाश में आने के पश्चात अधोहस्ताक्षरी को उक्त प्रकरण की जॉच सघनता से करने का निर्देश दिया था।

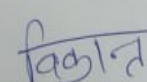
अधोहस्ताक्षरी द्वारा उक्त प्रकरण की सघनता से जॉच की गयी और संबंधित कर्मचारियों से इस संबंध में आख्या मांगी गयी। सम्पूर्ण आख्या इस जॉच आख्या के साथ संलग्न है।

महोदय, माननीय न्यायालय को यह भी अवगत कराना है कि फोटो आइडेंटिफिकेशन सेंटर में संचालित समस्त कम्प्यूटर इंटरनेट के माध्यम से वेब मार्जर्ड इंडिया द्वारा संचालित होते हैं अतः यदि सर्वर कम्प्यूटर में तिथि परिवर्तित भी कर दी जाये तो भी निकलने वाली रसीद तथा खींची गई फोटो में वही तारीख अंकित होगी जिस तारीख पर फोटो खिंचवाई जा रही है।

कर्मचारियों द्वारा एक महत्वपूर्ण तथ्य प्रकाश में लाया गया कि जो सही फोटो है उसमें प्रार्थिनी पुष्पा का अंगूठे का निशान उसकी फोटो के नीचे स्पष्ट रूप से परिलक्षित है जबकि उसके द्वारा दावा की गई तथाकथित फर्जी फोटो जिसमें दिनांक के साथ कम्प्यूटर साफ्टवेयर द्वारा परिवर्तन किया गया है उसमें फोटो के नीचे अंगूठा निशान नहीं दिखायी दे रही है इसी से स्पष्ट हो रहा है कि उक्त फोटोग्राफ संपादित है और सही नहीं है।

उक्त महिला पुष्पा की दिनांक 12.05.2023 को हाईकोर्ट बार एसोसिएशन के फोटो आइडेंटिफिकेशन सेंटर में फोटो खींची गयी थी जिसकी मूल प्रति की दूसरी कापी आख्या के साथ संलग्न है और उसका तथाकथित फर्जी फोटो से मिलान करने पर अनेक असमानतायें स्पष्ट रूप से परिलक्षित होती हैं।

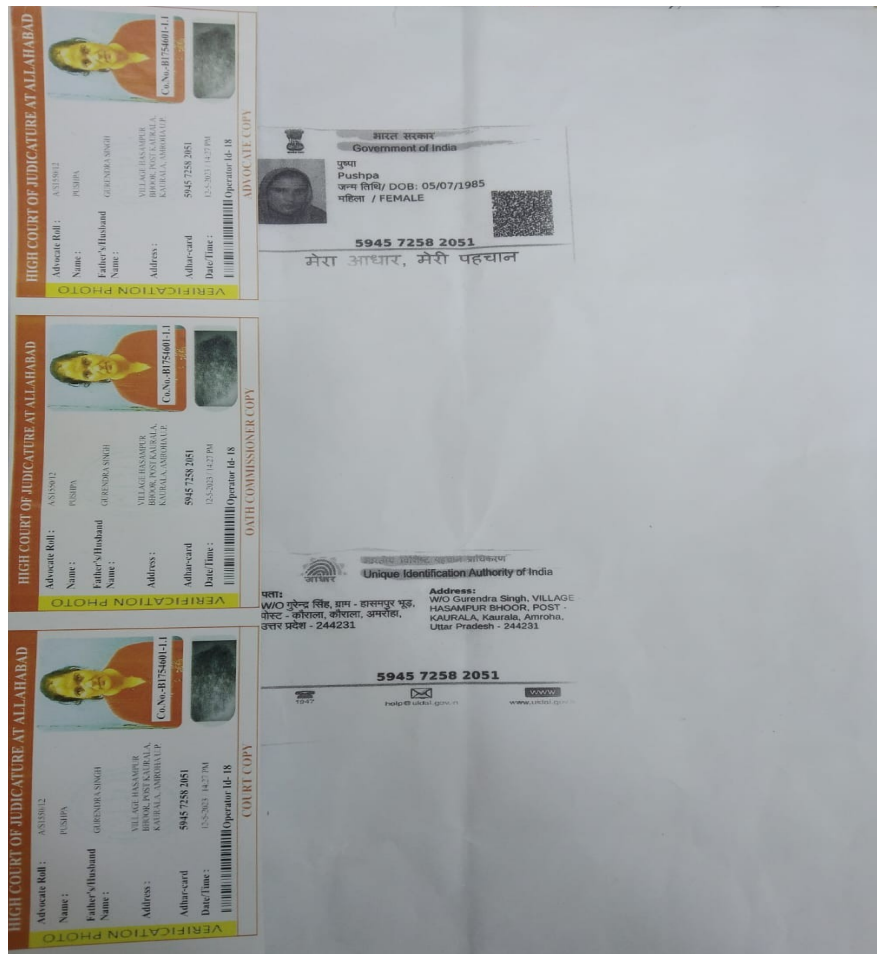
कृपया यह जॉच आख्या माननीय न्यायालय के समक्ष अग्रिम कार्यवाही हेतु प्रस्तुत करें।
 आभारी रहूँगा।


 (विक्रान्त पाण्डेय)
 महासचिव
VIKRANT PANDEY
 Hony. Secretary
 Allahabad

Website: www.hcballahabad2018.in | Email: highcourtbarallahabad@gmail.com
 Phone: 0532-2421942 | Fax: 0532-2420404

10-Mr. Sunil Kumar Singh, learned advocate, who was previous counsel for opposite party No. 2 and victim-Pushpa also addressed the Court by contending that on 12.05.2023, injured Pushpa got her photographs clicked at the Photo Identification Centre on his advocate roll, thereafter, he filed his Vakalatnama on 29.01.2024 on behalf of opposite party No.2. After granting stay order dated 15.04.2024 in the present case, injured Pushpa being annoyed with him, instructed him not to appear in this case. Under the circumstances, he had taken original verification photo of Pushpa because the same was clicked on his advocate roll. He has also produced the original copy of said verification photo dated 12.05.2023 (for Court Copy, Oath Commissioner Copy and Advocate Copy) of victim/injured Pushpa, which is also taken on record.

11-The scanned copy of said verification photo dated 12.05.2023 is pasted herein below:-



12-Having heard the submissions of learned counsel for the parties as noted above and examined the record in its entirety, I find that the trial court while rejecting the discharge application of the revisionist has observed that during investigation, the said verification photo dated 12.05.2022 of the revisionist was not given by the revisionist to the investigating officer and even no reason for the same has been disclosed by the revisionist. Under the facts of the case, this Court feels that if above noted submissions of learned counsel for the complainant are correct, then it is a matter of serious concern and in case this practice is allowed to continue, then several persons who are accused or involved in heinous crime may take undue advantage of this system, hence before passing final order in the matter, it would be appropriate to get the said plea of alibi of the revisionist and allegations of the complainant inquired by the independent agency, so that correct facts about the genuineness / authenticity of the above documents and allegations may be elicited on record.

13-Accordingly, the Joint Director, Central Bureau of Investigation, Lucknow is directed to depute any officer to conduct inquiry in the matter and submit report before this Court by the next date in a sealed cover.

14-All the aforesaid persons concerned with this case shall extend their full co-operation in the aforesaid inquiry to be conducted by Central Bureau of Investigation under the order of this Court.

15-Let this matter be listed as fresh on 04.11.2024 before this Court for further hearing.

16-This order has been passed in presence of Mr. Gyan Prakash, learned Senior Counsel for Central Bureau of Investigation, who shall communicate this order to the Joint Director, Central Bureau of Investigation, Lucknow immediately.

17-The Registrar (Compliance) of this Court shall also communicate this order to the Joint Director, Central Bureau of Investigation, Lucknow for information and compliance within 24 hours.

18-On demand of record of this case by the investigating officer, Registrar General of this Court shall provide xerox copy of complete record including the report dated 23.09.2024 of Secretary, High Court Bar Association, Allahabad and the verification photo dated 12.05.2023 of the victim/injured (Pushpa), which has been produced before this Court by Mr. Sunil Kumar Singh, previous counsel for opposite party No. 2 as noted above and he will also be allowed by the Registry for inspection of the original record.

19-It is made clear that since charge has already been framed against the revisionist on 08.01.2024, therefore, the interim order dated 15.04.2024 is not extended.

Order Date :- 24.9.2024

Kashifa