

**IN THE COURT OF D.R. CHALIA,
SESSIONS JUDGE, CHARKHI DADRI
(UID No.HR-0065)**

HRC010063152025



CRM/336/2025

Present: Shri Sanjay Jangra, Advocate for applicant.
 Shri Nitin, learned Public Prosecutor for State-respondent.
 Shri R.K. Gugnani, Advocate for accused Ombir.

ORDER

This order of mine shall dispose of application seeking direction for I.O./SHO concerned to inquire into Aadhar update history and documents submitted for mentioning husband's name as Ombir for proper adjudication of the case.

2. It is pleaded in the application that during the course of proceedings, the applicant has placed on record the Aadhaar Card of Mrs. Aanchal Kumari, wherein the name of her husband is recorded as "Ombir". The said entry in the Aadhaar record is a highly material circumstance, as accused Ombir Singh was already legally married to deceased Jyoti, and the reflection of his name as husband in the Aadhaar of Aanchal Kumari prima facie supports the prosecution case relating to illegal second marriage, bigamy, cruelty and motive. Further, it is stated that the above facts can be verified only through a proper

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inquiry by the Investigating Officer/SHO, including requisition of records from UIDAI and the concerned Aadhaar Update Centre. Further, it is stated that such inquiry is essential for a fair, complete and effective investigation, and for bringing the true facts before this Court and no prejudice will be caused to the accused by allowing this application. Further, it is stated that the present application is necessary for the proper and effective adjudication of the case, as the Aadhaar record of Mrs. Aanchal Kumari mentioning accused Ombir Singh as her husband is a material fact having direct bearing on the issues involved in the present FIR. The verification of the Aadhaar update history and supporting documents is essential to bring the true facts on record and to assist this Court in arriving at a just and fair conclusion. At the fag end, it is requested that the application in hand is allowed.

3. On notice, reply filed. It is stated in the reply that the present application has been filed at a belated stage as all the prosecution witnesses have already been examined and the present application has been filed in order to prolong the litigation. Further, it is stated that Mrs. Aanchal Kumari is neither a witness nor an accused in the present case. In such a circumstance, allowing the present application would lead to a grave violation of Right to Privacy enshrined in Article 21 of a lady who is stranger to the present matter. Further, it is stated that the application is based upon a deliberate misrepresentation. Further, it is stated that perusal of the Aadhar card

submitted along with application shows that 'c/o Ombir' is mentioned. There is no mention that the Ombir stated in Aadhar Card is husband of Mrs. Aanchal Kumari. Further, it is argued that the present application may have been maintainable at the stage of investigation, but not at the present stage, when the case is fixed for final arguments. These documents are not part of the challan, neither was such an application to the investigative agency at the time of investigation. At the fag end, it is prayed that present application may kindly be dismissed in the interest of justice.

4. Submissions have been heard. Case file has been gone through minutely and meticulously.

5. Before adverting to the merits of the present application, it is pertinent to note that the prosecution has already concluded its entire evidence and all the prosecution witnesses have been examined. Even the statements of accused under Section 313 of Cr.P.C. have been recorded and the case is at the stage of defence evidence and is presently at the stage of conclusion of trial. The instant application has been moved by the complainant seeking a direction to the Investigating Officer/SHO concerned to inquire into Aadhar update history and documents submitted for mentioning husband's name as Ombir.

6. The present application has been filed at a highly belated stage without assigning any plausible or satisfactory explanation for not raising the said plea at the appropriate stage of the trial. The applicant

had sufficient opportunity during the course of investigation as well as during the prosecution evidence to seek production of any such material, if it was considered relevant for the just adjudication of the case.

7. Further, it is pertinent to mention here that the present application has not been moved or forwarded by the learned Public Prosecutor, who alone is entrusted with the conduct of the prosecution before the Court. The prosecution has already closed its evidence after examining all the material witnesses and has not considered it necessary to seek any further investigation or collection of additional evidence. In these circumstances, entertaining such an application at the instance of the complainant at this advanced stage of the trial, would amount to permitting a fresh round of investigation and collection of evidence after closure of the prosecution case, which is impermissible in law and would seriously prejudice the rights of the accused.

8. Hence in view of facts and circumstances unfolded above, this Court is of the considered opinion that the application is highly belated and not supported by the prosecution through the learned Public Prosecutor, and does not disclose any exceptional circumstance warranting exercise of the discretionary jurisdiction of this Court. No sufficient ground is made out for directing the Investigating Officer to inquire into Aadhar update history and documents pertaining to Smt. Anchal Kumari, who is neither a witness nor an accused in the present

case. Accordingly, finding no merit in the application, the same is hereby **dismissed**. Papers be tagged with the main case file.

Pronounced in open Court:

(D.R. Chalia)
Sessions Judge, Charkhi Dadri
(UID No.HR0065)
Dated: 14.07.2026

Amit Kumar,
Stenographer Grade-I

D.R. Chalia,
Sessions Judge, Charkhi Dadri
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