

Court No. - 89

Case :- APPLICATION U/S 482 No. - 30057 of 2023

Applicant :- Kapil Kumar And Another

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

Counsel for Applicant :- Shiv Prakash Dubey, Anil Kumar Tiwari

Counsel for Opposite Party :- G.A., Pushpendra Kumar Mishra

Hon'ble Deepak Verma, J.

1. Supplementary affidavit filed today is taken on record.
2. Heard learned counsel for the applicants, learned counsel for the opposite party no. 2 and learned A.G.A. for the State.
3. This application under Section 482 Cr.P.C. has been filed by the applicants to quash the impugned Charge sheet No. 10 of 2021, dated 30.01.2021, Cognizance order dated 17.04.2021 as well as the entire criminal proceedings of Criminal Case No. 91 of 2020, under Sections 363, 366, 376-D IPC & 5/6 of POCSO Act, Police Station- Pawara, District- Jaunpur, pending in the court of Additional Sessions Judge/POCSO-I, Jaunpur.
4. Learned counsel for the opposite party no. 2 submits that three fact witnesses have been examined by the Trial Court and rest of the witnesses are going to be examined by the Trial Court. He next submits that instant application has been filed by the applicants to quash the aforesaid proceedings, on the basis of hostile witnesses, cannot be allowed as Trial Court shall have to examine the testimony of the witnesses recorded before the Trial Court and other prosecution witnesses have to be examined.
5. Considered the arguments raised by counsel for the opposite party no. 2 and perused the entire record.
6. As three fact witnesses have been examined by the Trial Court and more witnesses have to be examined. The Trial Court shall take its own course to examine the witnesses. As such, no interference is warranted by this Court at this stage.
7. The present application under Section 482 Cr.P.C. lacks merit and is, accordingly, **dismissed**.
8. However, Trial Court is directed to conclude the proceedings of the aforesaid case preferably within a period of 12 months, from the date of production of certified copy of this order.

Order Date :- 24.11.2023/Aditya