

Court No. - 92

Case :- APPLICATION U/S 482 No. - 30198 of 2023

Applicant :- Ankit Kumar Singh

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

Counsel for Applicant :- Dinesh Chandra Tripathi, Ram Vishal Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta, J.

1. Heard Sri Ram Vishal Mishra, learned counsel for the applicant and Sri Prashant Saxena, learned A.G.A. for the State.

2. The instant application u/S 482 Cr.P.C. has been filed seeking quashing of the order dated 09.06.2023, passed by the learned Additional Sessions Judge/Fast Track Court-I, Allahabad, in Sessions Trial No. 783 of 2016, whereby the application of the applicant u/S 311 Cr.P.C., for re-examination of the PW-2, has been rejected.

3. From the perusal of the records it appear that the detailed opportunity was granted to cross-examine the PW-2 to the applicant herein, whose cross-examination was concluded on 30.10.2021. Subsequently, the instant application has been filed after a gap of about one and a half years i.e., on 13.02.2023. Earlier also, the applicant has filed another application for re-examination of the PW-1 after her examination and cross examination by the applicant, which was rejected against which the applicant herein had filed an Application u/S 482 No. 31396 of 2022, which was rejected by the Court vide order dated 16.12.2022. Learned counsel for the applicant has relied upon the judgement of ***Apex Court in Varsha Garg vs. The State of Madhya Pradesh & Ors. : 2022 LiveLaw (SC) 662.***

4. In the instant case, the sessions trial is pending since, 2016 and detailed opportunity was granted to cross-examine the PW-2 to the applicant herein and after exhausting his full opportunity to cross-examine the instant application has been filed u/S 311 Cr.P.C., which is nothing but an abuse of process of law to cause delay in the trial as is evident that the applicant has earlier also filed an application of similar nature for the re-examination of PW-1, which has already been rejected by this

court. The object of filing such application deliberately by the applicant is nothing but an abuse of process of law to delay the trial.

5. Hence, the instant application is devoid of merits and is here by **dismissed**.

Order Date :- 12.10.2023

Shubham Arya