

Court No. - 92

Case :- APPLICATION U/S 482 No. - 32456 of 2023

Applicant :- Smt. Nanhi

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Prakash Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Prakash Tripathi, learned counsel for the applicant and Sri Sandeep Choudhary, learned A.G.A. for the State.
2. The instant application has been filed seeking expeditious disposal of the Special Case No. 11 of 2018 (State Vs. Shane Alam and another), arising out of case crime no. 783 of 2017, under Sections 363, 366, 376D IPC and Section 3/4 of POCSO Act, P.S. Tanda, district Rampur, pending in the court of learned Special Judge (POCSO Act)/Additional Sessions Judge, Rampur.
3. Learned counsel for the applicant submits that in the instant case the trial is pending since 2018. Though the main prosecution witnesses have already been examined, however, the formal witnesses like Doctor, Medical Officer, Investigating Officer are yet to be examined and due to non-cooperation of the said witnesses as well as by the accused persons, the trial is not proceeding further.
4. Learned counsel for the applicant has placed reliance upon Section 309 of Cr.P.C. which provides that when the inquiry or trial relates to an offence under Section 376, it is required to be completed within a period of two months, however, more than five years have passed but the trial could not be concluded.
5. In view of the aforesaid submissions made by the learned counsel for the applicant, learned A.G.A. has no objection to any direction being passed by the Court for expeditious disposal of the said case.
6. Having considered the arguments made by the learned counsel for the parties and perused the record of the case, this Court is of the considered view that the trial of the instant case which is otherwise as per the statutory requirement is to be concluded within two months, is pending since more than five years and the accused is deliberately trying to delay the process of the Court and

the main prosecution witnesses have already been examined however, the formal witnesses like Doctor, Medical Officer, Investigating Officer are yet to be examined.

7. Having regard to the totality of the circumstances of the case, it is directed that the learned Special Judge (POCSO Act)/Additional Sessions Judge, Rampur shall expedite the hearing of the said case having regard to the essence of the provisions of Section 309 Cr.P.C. and shall take appropriate steps to conclude the trial at the earliest.

8. With the aforesaid observations, the instant application stands **disposed of.**

Order Date :- 19.10.2023

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