

Court No. - 82

Case :- CRIMINAL REVISION No. - 4745 of 2023

Revisionist :- Naresh

Opposite Party :- State of U.P.

Counsel for Revisionist :- Rama Shanker Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Ms. Nand Prabha Shukla,J.

Heard learned counsel for the revisionist and learned A.G.A. for the State.

Rejoinder affidavit filed on behalf of the revisionist is taken on record.

This criminal revision has been filed against order dated 23.08.2023 passed by Special Judge (Gangster Act)/Additional Sessions Judge, Court No.5, District Shahjahanpur in Special Case No.855 of 2012 (State v. Naresh) arising out of Case No.126 of 2002, under Sections 2/3 U.P. Gangster and Anti-social Activities (Prevention) Act, 1986, Police Station Ram Chandra Mission, District Shahjahanpur by which application under Section 311 Cr.P.C. has been rejected on the ground that opportunity of cross examination is over.

Learned A.G.A. has opposed the aforesaid revision and submitted that there is already delay of about 16 years and the trial is pending for arguments before the court below.

However, learned counsel for revisionist states that an opportunity may be given before the final decision in the trial court for the just decision of the case.

Considering the facts and circumstances, the revisionist shall

deposit the necessary expenses of Rs.14,000/- for the recall of the witnesses (PW-1 and PW-4) for their cross examination. In case the necessary expenses are borne by the revisionist, an opportunity of Recall under Section 311 Cr.P.C. shall be given to the revisionist within a period of 30 days from the date of order in the interest of justice.

With the aforesaid condition, the revision is **disposed of**.

Order Date :- 11.12.2023

A.N. Mishra