

Court No. - 93

Case :- APPLICATION U/S 482 No. - 36301 of 2023

Applicant :- Dhanpal

Opposite Party :- State Of U.P. And 6 Others

Counsel for Applicant :- Pallavi Rani,Deepak Rana

Counsel for Opposite Party :- G.A.,Shiv Babu Dubey

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard Sri Deepak Rana and Ms. Pallavi Rani, learned counsel for the applicant, Sri Shiv Babu Dubey, learned counsel for the opposite party no.2, Sri Rajeev Kumar Singh, learned A.G.A for the State and perused the record.

2. The instant application under Section 482 Cr.P.C. has been filed for quashing the order dated 25.08.2023 passed by Special Judge (E.C. Act), Meerut in Sessions Trial No.1091 of 2010 arising out of Case Crime No.341 of 2008, under Sections 147, 148, 149, 304, 323, 504 IPC, Police Station - Partapur, District Meerut pending in the court of Special Judge (E.C. Act), Meerut.

3. Contention of counsel for the applicant is that while passing the impugned order dated 25.08.2023, the court has erroneously rejected his application to re-examine him as PW 5 though earlier statement recorded on 24.05.2014 was given under threat.

4. Per contra, learned counsel for the opposite party no.2 submitted that this application has been filed almost 9 years after recording of first statement of PW 5 and allegation of threatening for giving earlier statement was not substantiated by any complaint.

5. After hearing the learned counsel for the parties and perusal of record, this Court finds that this application was filed after 9 year and earlier application was given under threat in that regard no complaint or any other evidence was given to substantiate the averment of the application dated 09.08.2023 even otherwise, the trial is of year 2010 and almost all the witnesses have been examined and matter ripe for hearing. Therefore, there is no illegality in the impugned order passed by the Special Judge (E.C. Act), Meerut.

6. Therefore, the present application is **rejected**.

Order Date :- 17.10.2023

A.Kr.