

Court No. - 90

Case :- APPLICATION U/S 482 No. - 40135 of 2023

Applicant :- Smt. Rajoli Devi

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

Counsel for Applicant :- Deepak Kumar Verma

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Pathak,J.

1. Heard learned counsel for the applicant and the learned A.G.A.
2. The applicant has invoked the inherent jurisdiction of this Court under Section 482 Cr.P.C. with the following prayer :-

"To quash the impugned cognizance order dated 28.08.2023 passed in Sessions Case No.1740 of 2023 (State of U.P. vs. Mohit) under Sections 363, 366, 376 I.P.C. and Section 3/4 POCSO Act, in Case Crime No.102 of 2023, P.S. Roora, District Kanpur Dehat passed by the learned Additional Sessions Judge, Court No. 13/Special Judge (POCSO Act, 2012), Kanpur Dehat."

3. After due deliberations at length, learned counsel for the applicant has urged to issue a direction for expeditious disposal of application dated 16.08.2023 moved on behalf of first informant (applicant herein) under Section 190(1)(b) Cr.P.C.

4. As per F.I.R. version, minor daughter of the present applicant (first informant) has been abducted and raped by accused named in the F.I.R. In her statement under Section 164 Cr.P.C., prosecutrix has taken name of three persons namely Isab Ali, Mohit and Golu who have committed forceful sexual assault on her taking turn one by one. A charge-sheet no. 162 of 2023 dated 15.07.2023 has been filed arraigning Mohit (respondent no.2), however, the name of other persons who were shown to be involved in the offence of forceful sexual assault, have not been arraigned.

5. Having been aggrieved with the charge-sheet dated 15.07.2023, the present applicant (first informant) has moved an application dated 16.08.2023 under Section 190(1)(b) Cr.P.C. for taking cognizance against other accused as well, under Section 120-B, 376, 323, 504, 506, 343 I.P.C. and under the relevant sections of POCSO Act. During pendency of application dated 16.08.2023, learned court concerned has passed the summoning order dated 28.08.2023 without giving judicial consideration to the application dated 16.06.2023. Having been aggrieved, the instant application has been filed. In support of his case, learned counsel for the applicant has cited the the following cases :-

(a) **Minu Kumari vs. State of Bihar** reported in **2006 (4) SCC 359**,

(b) **Nahar Singh vs. State of U.P. & Another** reported in **2022 (2) SCC (Cri) 328**.

6. Learned A.G.A. has no objection, if a direction is issued to the court

concerned to decide the aforesaid application dated 16.08.2023, at the earliest.

7. In this conspectus as above, no useful purpose would be served to keep this matter pending. Therefore, this court deems it appropriate to finally dispose of the present application, without making any observation on the merits of the case, as mentioned in the application, with a direction to the learned Additional Sessions Judge, Court No. 13/Special Judge (POCSO Act, 2012), Kanpur Dehat to decide the aforesaid application dated 16.08.2023 under Section 190 (1) (b) Cr.P.C. moved on behalf of the present applicant (first informant), strictly in accordance with law by means of a reasoned and speaking order, without granting unnecessary adjournments to either of the parties expeditiously, preferably, within a period of one month from the date of production of certified copy of this order.

8. With the aforesaid direction, this petition is finally disposed off.

Order Date :- 22.11.2023

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