

Court No. - 78

Case :- APPLICATION U/S 482 No. - 41372 of 2023

Applicant :- Jiley Singh

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

Counsel for Applicant :- Shubham Prakash Gupta, Mukesh Chandra Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Raj Beer Singh, J.

1. Heard learned counsel for the applicant and learned A. G. A. for the State.

2. This application under Section 482 Cr. P. C. has been filed against the order dated 5.10.2023 passed by the Additional District and Sessions Judge / Special Judge, Prevention of Corruption Act, Meerut in Case No. 10 of 2007 (State of U. P. Versus Jiley Singh), arising out of Case Crime No. 82 of 2006, under Section-7/13 (1), 13 (2) of Prevention of Corruption Act, whereby the adjournment application moved on behalf of the applicant / accused has been rejected and the defence evidence was closed.

3. Learned counsel for the applicant has submitted that the impugned order is against the facts and law and thus, is liable to be set aside. The applicant is facing trial in the said case since the year, 2007 and he is regularly appearing before the trial Court. It was shown that before the impugned order was passed on 5.10.2023, on earlier dates, the advocates were abstaining from judicial work, thus, he could not produce his defence evidence. In this connection, learned counsel referred the order-sheet of the trial Court that on 14.8.2023 there was condolence in the District Court and on 30.8.2023, 11.9.2023 and 22.9.2023, advocates were abstaining from judicial work and on the next date, i. e. on 5.10.2023 an application for adjournment was moved on behalf of the applicant / accused on the ground

of illness but the trial Court outrightly rejected the said prayer and closed the opportunity of leading defence evidence. Learned counsel submitted that the right to lead defence evidence, is an important aspect in the criminal trial and thus, the applicant may be afforded opportunity to lead defence.

4. Learned A. G. A. opposed the application and submitted that the impugned order is based on facts and law and thus, does not warrant any interference by this Court.

5. I have considered the rival submissions and perused the record.

6. In the instant matter, perusal of record shows that the applicant is an accused in the said case which was pending at the stage of defence evidence. As per impugned order, the case was pending for defence evidence since 20.6.2023. It was shown that before the impugned order dated 5.10.2023, advocates had been abstaining from judicial work on several dates.

7. Considering the submissions of learned counsel for the parties and facts of the matter, it appears that the closure of defence evidence by the impugned order, is not in accordance with law and it would cause prejudice to the applicant / accused. In the facts of the matter, it would be just and proper that the applicant / accused may be afforded one more opportunity for leading defence evidence. Thus, impugned order dated 5.10.2023 passed by the Additional District and Sessions Judge / Special Judge, Prevention of Corruption Act, Meerut in Case No. 10 of 2007 (State of U. P. Versus Jiley Singh), arising out of Case Crime No. 82 of 2006, under Section-7/13 (1), 13 (2) of Prevention of Corruption Act, is hereby set aside and it is directed that the concerned trial Court

shall afford one effective opportunity to the applicant / accused for leading defence evidence.

8. This application under Section 482 Cr. P. C. is allowed in above terms.

Order Date :- 21.11.2023

HR