

Court No. - 87

Case :- APPLICATION U/S 482 No. - 45070 of 2023

Applicant :- Ram Babu

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

Counsel for Applicant :- Rajesh Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari,J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.
2. Present 482 Cr.P.C. application has been filed seeking quashing of order dated 26.09.2023 in Special Case No. 38 of 2017 (State Vs. Ram Babu), bearing Case Crime No. 175 of 2017, under Section 452, 354 IPC and 8 of POCSO Act, P.S.- Baberu, District- Banda.
3. Learned counsel for the applicant submitted that applicant filed an application under Section 311 Cr.P.C. on 25.09.2023 before the trial Court, which has been rejected vide order dated 26.09.2023 only due to not framing any question under Section 311 Cr.P.C. He next submitted that this application may be dismissed with liberty to applicant to file fresh application under Section 311 Cr.P.C. before the trial Court alongwith questions, for which, learned A.G.A. is having no objection.
4. Accordingly, the instant application is **dismissed**.
5. So far as liberty to file fresh application under Section 311 Cr.P.C. is concerned, it is always open for the applicant to file fresh application in accordance with law and for that no permission is required from this Court.
6. However, in case, any such application is filed by the applicant before the trial Court, the same shall be decided in accordance with law.

Order Date :- 16.12.2023

ADY