

Court No. - 23

Case :- APPLICATION U/S 482 No. - 2456 of 2023

Applicant :- Mahesh Pratap Singh

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Civil
Secrett. Lko. And Others

Counsel for Applicant :- Santosh Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

Heard Shri Santosh Kumar Pandey, learned counsel for the petitioner and Shri Prem Prakash, learned AGA-I for the State.

The impugned order dated 03.01.2023 rejects the application made under Section 311 Cr.P.C. by the applicant for recall of witnesses namely P.W.-1 and P.W.-4. As far as P.W. 1 is concerned, he was examined at length by the applicant and no sufficient cause is shown for his recall or exposing him to further examination. However, in view of the recital in the impugned order that P.W. 4 was not cross examined on account of absence of the counsel, in the interest of justice and fair trial these directions are issued:

I. P.W. 4 shall be summoned by the learned trial court forthwith. All necessary steps shall be taken by the learned trial court to ensure that P.W. 4 appears on 26.04.2023.

2. The applicant undertakes to examine P.W. 4 on the date of his appearance and shall in no condition seek any adjournment.

3. After the cross examination of P.W. 4, the learned trial court shall proceed expeditiously with the trial and keeping in mind that the trial is long pending and a part of "action plan".

With the aforesaid directions, the Application U/S 482 is disposed of finally.

Order Date :- 21.3.2023

Dhananjai