

**Court No. - 12**

**Case :-** APPLICATION U/S 482 No. - 10184 of 2023

**Applicant :-** Balvant Singh

**Opposite Party :-** State Of U.P. Thru. Prin. Secy. Home Lko.  
And 2 Others

**Counsel for Applicant :-** Amar Nath Dubey, Pramod Kumar  
Pandey

**Counsel for Opposite Party :-** G.A.

**Hon'ble Rajeev Singh, J.**

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. Present application has been moved by the applicant for quashing the order dated 10.07.2023 passed by Additional District Judge/F.T.C. II 14th Finance Commission, Sultanpur in S.T. No.205/2011, in Case Crime No.14/2008 under Sections 307, 504 I.P.C., P.S. Baldirai, District- Sultanpur.
3. Learned counsel for the applicant submitted the application under Section 311 Cr.P.C. was rejected by the trial court in the most mechanical manner without any application of mind by the trial judge. He further submitted that during the course of cross-examination, applicant was under pressure, therefore, correct facts were not stated before the trial court, in such circumstances, it is necessary to bring the correct deposition before the trial court, therefore, kind indulgence of this Court is necessary.
4. Learned A.G.A. opposed the prayer of applicant and submitted that the alleged offence is of the year 2008 and the trial is going on since 2011 and the statement of applicant was recorded before the trial court on 08.05.2012, thereafter, his cross-examination was conducted on 07.11.2013. He further submitted that only vague application is moved by the applicant before the trial court under Section 311 Cr.P.C., no specific point has been mentioned, therefore, trial court has rightly rejected the application under Section 311 Cr.P.C., therefore, application is liable to be dismissed.
5. Considering the submissions of learned counsel for the parties, going through the contents of application, as well as other relevant documents, as it is evident that offence in question is related to the month of January, 2008, thereafter, charge-sheet was filed and after committal, it was registered as

S.T. No.205 of 2011 in the year of 2011 and the applicant was examined as P.W.-1 before the trial court on 08.05.2012, thereafter, he was cross-examined on 07.11.2013, and after about 10 years, vague application has been moved by the applicant for recalling him for the purpose of fresh cross-examination but no any specific reason has been mentioned, therefore, trial court has rightly rejected the application of applicant and I am of the view that the application is misconceived and liable to be dismissed.

6. Accordingly, the application is hereby **dismissed**.

7. Trial court is directed to conclude trial, expeditiously without giving unnecessary adjournment to either of the parties.

8. Superintendent of Police Baldirai, District- Sultanpur as well as District Government Counsel, District- Sultanpur are directed to ensure the presence of witnesses as well as accused persons before the trial court.

**Order Date :- 17.10.2023**

V. Sinha