

Court No. - 12

Case :- APPLICATION U/S 482 No. - 12482 of 2023

Applicant :- Ms. X Thru. Her Brother Dawood Kamal

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko. And 6 Others

Counsel for Applicant :- Prashant Shukla,Avanish Shukla

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 material brought on record.
2. This application has been filed for quashing the order dated 22.11.2023 passed by Additional District & Sessions Judge/Special Judge, POCSO Act, court No. 1, Lucknow in Sessions Case No. 328 of 2023.
3. Learned counsel for the applicant submits that it is well settled by the Hon'ble Supreme Court in the case of **Satender Kumar Antil Vs. Central Bureau of Investigation and another (Special Leave to Appeal (Crl.) No. 5191 of 2021)** that the offences of Section 88 Cr.P.C. will not apply in the cases related to the sexual offences and POCSO Act, but in the present case, application under Section 88 Cr.P.C. was accepted by the court below. It is further submitted that the accused persons are not cooperating in the trial. It is also submitted that the summoning order was passed on 14.02.2023, but till date, charges have not been framed. It is next informed that earlier an Application u/s 482 No. 12061 of 2023 was filed by the private respondent no. 2 with the intention to regularise the order dated 22.11.2023. The said application was dismissed vide order dated 14.12.2023 with the observation that no such prayer can be granted by this Court. It is lastly submitted that the trial court may also be directed to conclude the trial expeditiously. It is, thus, submitted that the indulgence of this Court is necessary.

4. Learned A.G.A. does not dispute the fact that the order dated 22.11.2023 passed on Application under Section 88 Cr.P.C. cannot be passed and he has no objection, in case, the direction is issued to the trial court to expedite the trial.

5. Considering the arguments advanced by the learned counsel for the applicant, learned A.G.A. and going through the contents of the application, impugned order as well as other relevant documents, the application stands disposed of with the direction to the trial court to conclude the trial of the case expeditiously, without giving any unnecessary adjournment to either of the parties.

6. District & Sessions Judge, Lucknow is directed to monitor the trial of the case in question.

7. Office is directed to communicate this order to the court concerned, forthwith.

Order Date :- 20.12.2023

VKS