

Court No. - 13

Case :- APPLICATION U/S 482 No. - 11438 of 2024

Applicant :- Accused Of Crimi. Misc. Case No. 435 Of 2024
Arising Out Of State Versus Anil Verma And Others

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt.
Lko And 4 Others

Counsel for Applicant :- Harish Chandra Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Heard.

2. The instant application has been filed with a prayer for quashing the entire proceedings of the Criminal Misc. Case No. 435 of 2024 "*State Versus Sonam Kori*" arising out of Session Trial No. 820 of 2022 "*State Versus Anil Verma and others*" under Section 22 of Protection of Children from Sexual Offences Act, 2012 (P.O.C.S.O. Act), Police Station- Chhapiya, District- Gonda pending in the Court of Special Judge, P.O.C.S.O. Act, Gonda and impugned order dated 4.9.2024 as well as impugned Non Bailable Warrant (N.B.W.) order dated 4.10.2024.

3. Learned counsel for the applicant submits that the F.I.R. i.e. Case Crime No. 177 of 2022 dated 20.07.2022 u/s 376, 323, 504, 506 I.P.C. and 3(2)(v) of SC/ST Act, Police Station- Chhapiya, District- Gonda was lodged, in which, charge-sheet was submitted by the Investigating Officer for the offense u/s 323, 504, 506, 376(2)(n) I.P.C., Section 51/6 P.O.C.S.O. Act and Sections 3(2)(v), 3(1)(da) and 3(1)(dha) of SC/ST Act. He further submits that during the course of trial, the victim has not supported the prosecution version and she made her deposition before the Magistrate u/s 164 Cr.P.C. As a result, the accused was acquitted and then order was passed for registering a miscellaneous case against alleged victim u/s 22 of P.O.C.S.O. Act. He next submits that the aforesaid case has already been registered and then the victim moved a confession application with a prayer that the miscellaneous case may be disposed of by imposing some meagre amount of fine, but the said application is not being decided, therefore, a direction may be issued for disposal of that application in terms of Section 22 of P.O.C.S.O. Act by imposing some fine.

4. Learned A.G.A. vehemently opposes the prayer of applicant.

However, he does not dispute the fact that the confession application is pending before the competent Court.

5. Considering the submissions of learned counsel for the applicant, learned A.G.A. and going through the contents of application as well as other relevant documents, it is evident that a confession application is pending before learned trial Court. Therefore, learned trial Court is directed to decide the said application, expeditiously, if possible, within a period of one month from the date of production of certified copy of this order.

6. Till disposal of the confession application, no coercive action be taken against the applicant.

7. In view of above, the instant application is ***disposed of***.

Order Date :- 18.12.2024

Arpan