

## **Session Trial No. 430/2012**

30.07.2019

Attendance has been filed by the sole accused Kanhaiya Kumar Singh & informant Khushboo Kumari.

Ld. Defence Counsel pressed the petition filed dated 01.03.2017 U/s 311 Cr.P.C. stating in that the informant of this case has already been examined but she was not cross examined on the point of rape. It is further contended that on dated 24.05.2016 a compromise petition has also been filed in this case so, the informant of this case may kindly be recalled for further cross examination.

Ld. A.P.P. for the State vehemently opposed the petition and argued that the charges framed against the accused are serious in nature so the petition of the accused is fit for dismissal.

Heard both the parties and perused the material on record. After perusal of the record it transpires that the prosecutrix was examined on dated 30.04.2013 and again on 01.05.2013. The cross examination of the victim was very lengthy and detailed running into 17 paras. The case is fixed for arguments and the arguments of prosecution has already been completed. Further the Counsel for defendant has filed a compromise on record and on that basis he wants to cross examine the victim at this stage. Since the offence is grave in nature and non compoundable. So the compromise filed by counsel for accused has no meaning. The victim was examined six years back and it is not justifiable to call her for re-examination after such a long period. Further the case is also at argument stage so, the petition U/s 311 Cr.P.C. filed by defense counsel is more of delaying the trial of this case. Hence, this petition has been dismissed.

Put up on 08.08.2019 for advancing the defense arguments.

Dictated

Additional Sessions Judge-I