



2026:AHC:32079

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 814 of 2026

Ajay Kumar Yadav

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s)	: Brajesh Nath Rai, Rajeev Upadhyay
Counsel for Opposite Party(s)	: G.A., Sudhanshu Kumar Mishra

Court No. - 87

HON'BLE ABDUL SHAHID, J.

1. Heard learned counsel for the revisionist and the learned counsel for the opposite party no.2 as well as learned AGA for the State.
2. The present criminal revision is directed against the impugned order dated 9.12.2025, passed by the learned Additional Sessions Judge/Special Judge, Anti Corruption Act, Court No.4, Gorakhpur, whereby application under Section 311 Cr.P.C. has been rejected.
3. Learned trial court has rejected the application under Section 311 Cr.P.C. filed by the revisionist that he may be provided opportunity to cross-examine PW-1, Thagai, PW-2, Smt. Reena Devi and PW-3 Dr. Akhlak Ahmad. In the order, it is mentioned that the accused persons were incarcerated and their pairokar came to the Court with a huge delay. It is also observed that on perusal of file, it appears that an application 19Kha and 23Kha were also rejected by the court previously vide order dated 17.4.2023 and 20.10.2023.
4. Learned counsel for the revisionist has submitted that right to cross-examine is a legal and valuable right and it would hamper fair trial as well as cause prejudice to the accused person. The delay, if any, may be compensated in terms of money and any time bound opportunity be provided to the revisionist to complete the cross-examination without any delay.
5. Learned counsel for the opposite party no.2 has submitted that an

ample opportunity to cross-examine had been provided to the revisionist, but he had willfully and deliberately linger on the proceedings and had not cross-examined, hence the criminal revision is liable to be dismissed.

6. The present criminal trial is under Section 498A, 304B IPC and 3/4 of D.P. Act which is a serious and heinous nature.

7. In view of the facts and circumstances of the case and in the interest of justice and fair trial, it is justifeable to provide an opportunity of hearing to the revisionist to cross-examine PW-1, Thagai, PW-2, Smt. Reena Devi and PW-3, Dr. Akhlak Ahmad on the following terms and conditions:

8. The opportunity of hearing is provided to the revisionist that he may cross-examine PW-1, PW-2, PW-3 on the same day when the witnesses appeared before the learned trial court and a cost of Rs. 15,000/ (fifteen thousand) each shall be paid to PW-1 and PW-2 by the revisionist. In addition to it, the revisionist is further directed to deposit an amount of Rs. 20,000/(twenty thousand) before the District Legal Services Authority, District Gorakhpur within ten days from today, failing which this order would become infructuous on non-compliance of any of the condition mentioned herein above.

9. Learned trial court would be at absolute liberty to close opportunity of hearing by a reasoned order, if any of the condition mentioned herein above has not been complied with by the revisionist.

10. With these observations and findings, the present criminal revision is finally **disposed of**.

(Abdul Shahid,J.)

February 12, 2026

sfa/