

Court No. - 79

Case :- APPLICATION U/S 528 BNSS No. - 24720 of 2025

Applicant :- Vandana

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Kumar Beenu Singh

Counsel for Opposite Party :- G.A.

Hon'ble Avnish Saxena,J.

1. Kumar Beenu Singh, learned counsel for the applicant appears and submits that the application of the applicant moved under Section 311 Cr.P.C. has been rejected by the court of Additional District & Sessions Judge, POCSO Court No.3, Aligarh by order dated 30.05.2025.

2. The contention of learned counsel is such that the applicant is one of the witness in Sessions Trial No. 3406 of 2023 (State Vs. Raju @ Sadik) pending in the court of Additional District & Sessions Judge, POCSO Court No.3, Aligarh arising out of case crime no. 1 of 2023, under Section 376(3), 452, 506 IPC and Section 3/4 POCSO Act, P.S. Madrak, District Aligarh.

3. The statement of PW-1, husband of applicant is recorded on 14.10.2024, who became hostile to the prosecution. The statement of PW-2-victim has been recorded on 09.01.2025 and she also became hostile. The applicant is mother of victim and wife of informant has moved the application for getting her examined in the court. The order reveals that the statement under Section 313 Cr.P.C. has been recorded on 01.04.2025 and the case was fixed for argument on 03.04.2025. It is revealed from the record that the learned counsel for the applicant is not aware about the status of the case, whether the case is still continuing or the trial is ended.

4. Learned AGA is present for the State-opposite party no.1.

5. Issue notice to opposite party no.2 returnable at an early date.

6. None appears for opposite party nos. 3 and 4.

7. The opposite parties may file counter affidavit.

8. The applicant may submit supplementary affidavit disclosing the status of trial.

9. List this case on 21.08.2025 as fresh.

Order Date :- 13.8.2025

Abhishek Sri.

(Avnish Saxena,J.)