

Ramashanker Vs. State of U.P.

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SooperKanoon Citation : sooperkanoon.com/483827

Court : Allahabad

Decided On : May-16-1996

Reported in : 1997CriLJ1102

Judge : G.S.N. Tripathi, J.

Acts : [Indian Penal Code \(IPC\), 1860](#) - Sections 302

Appeal No. : Criminal Revn. No. 505 of 1996

Appellant : Ramashanker

Respondent : State of U.P.

Advocate for Def. : A.G.A.

Advocate for Pet/Ap. : B.N. Rai, Adv.

Disposition : Revision allowed

Judgement :

ORDER

G.S.N. Tripathi, J.

1. This revision is directed against the order dated 2-4-1996 passed by the District Judge, Kanpur Nagar in S.T. No. 134 of 1995 State v. Nanhkau and others.

2. Formerly, the accused had engaged no private counsel. Therefore, Amicus Curiae was provided to him at a later stage. On 17-8-95, the accused engaged a private counsel. Thereafter, he prayed that two witnesses, namely P. W. 1 Gauri Shankar and PW-2 Arvind Kumar, who had already been cross-examined by the learned Amicus Curiae, be recalled for further cross-examination. The learned lower Court has rejected this application without assigning any reason.

3. In the interest of justice, it is essential that in a serious case like this, under Section 302, IPC the accused be given abundant opportunity to cross-examine the witnesses. This is a question of life and death for the accused.

4. In the interest of justice, it is ordered that the learned lower Court shall recall the two witnesses aforesaid for cross-examination by the private counsel for the accused.

5. The revision, is therefore, allowed. The order dated 2-4-1996 passed by the learned lower Court is set aside. The learned lower Court shall recall the aforesaid these two witnesses only for further cross-examination by the learned counsel for the accused on 2-7-1996. Thereafter, proceedings shall be taken on day to day basis and he shall decide the matter in accordance with law.

A copy of this order shall be given to the learned counsel for the revisionist on payment of usual charges.