



2026:AHC:68233

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 2199 of 2026

Ujala Devi

.....Revisionist(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Rajeev Upadhyay
Counsel for Opposite Party(s)	:	G.A.

Court No. - 86

HON'BLE SUBHASH CHANDRA SHARMA, J.

Heard learned counsel for the revisionist as well as learned A.G.A. for the State and perused the material on record.

The present criminal revision has been moved with prayer to allow this criminal revision and set aside the order dated 13.03.2026 passed by court of Additional Session Judge 6th/Special Judge, POCSO Act, Jaunpur in S.T. No.186 of 2019 (State vs. Dharmendra @ Kallu and others) arising out of Case Crime No.385 of 2018, under Sections 363, 366, 342, 368 I.P.C. and 7/8 POCSO Act, Police Station Madiyahun, District Jaunpur and further be pleased to direct the court concerned to record further statement of victim/P.W.-2 during trial.

It is submitted by learned counsel for the revisionist that in this case victim herself is the revisionist. Her examination-in-chief was recorded before the learned trial court as PW-2 and she was also cross-examined. During the course of her examination her statements were not recorded as such in proper manner. She also raised objection before the learned trial court in this regard but it was not considered and her examination-in-chief and cross-examination was also completed. Since some facts have been left untouched, therefore, prays to permit the revisionist/victim to be re-examined. In this regard an application was filed before the learned trial court which was rejected by the order dated 13.03.2026 illegally. The learned trial court has committed error in passing the order dated 13.03.2026, therefore, prays to set it aside and allow the revision.

Learned A.G.A. opposed the prayer as aforesaid and contended that the

victim was examined as PW-2. After her examination-in-chief on 14.10.2025 her cross-examination was recorded but due to paucity of time it could not be completed on that day. Again on 28.10.2025 she was cross-examined and her cross-examination was completed. She moved an application to correct the name of Sunil on the place of Santosh that application was disposed of by the learned trial court on the same day and correction was incorporated. Thereafter, the revisionist moved an application before the learned trial court to get her re-examined on 06.03.2026 after recalling her and that application was moved by the revisionist after her cross-examination being completed. Till now the statements of PW-3, 4 & 5 have also been recorded. The application moved by the revisionist was only to fill the lacunas in her cross-examination before the learned trial court. The application has been moved to correct the shortcomings occurred during the examination before the learned trial court for which her re-examination and her cross-examination cannot be permitted. Learned trial court has considered all these facts and then passed the order in question. He also contends that if her examination on some points has not been done she may move the court through public prosecutor on which learned court may pass the order while exercising its power u/s 311 Cr.P.C. In this way, there appears no any illegality or impropriety in the order dated 13.03.2026 passed by learned trial court but this revision being devoid of merit is liable to be dismissed.

Considering the facts and circumstances of the case, submissions made by learned counsel for the revisionist as well as learned A.G.A., perusal of record, the order passed by learned trial court and the contents of application of the revisionist moved before the learned trial court dated 06.03.2026, it appears that the statement of the victim was recorded before the learned trial court as examination-in-chief and thereafter, she was given opportunity for cross-examination on two days and her cross-examination was also recorded by the learned trial court in the presence of learned counsel. The statement as made before the learned court was recorded by the Presiding Officer himself as appears from the statements and the certificate given by the Presiding Officer himself. In this way, after the statement of a witness once completed, his re-examination and re-cross-examination on the same subject matter cannot be permissible. If something is left from asking to the witness, the witness may have an option to move an application u/s 311 Cr.P.C. through public prosecutor to re-examine him on particular questions mentioned in the

application but not related to the questions those have already been asked during the course of examination-in-chief or cross-examination. Thus, there appears no any illegality or impropriety in the order passed by learned trial court dated 13.03.2026 but this revision being devoid warrants no interference.

Accordingly, this criminal revision is **disposed of** finally at the admission stage itself.

March 31, 2026
Ashok Gupta

(Subhash Chandra Sharma,J.)