



2026:UHC:9014

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>CRLR/747/2026</u> Suchit Narang --Revisionist Versus State Of Uttarakhand --Respondent <u>Hon'ble Alok Mahra, J.</u> Ms. Manisha Bhandari, learned Senior Advocate assisted by Mr. Pritish Arya, learned counsel for the revisionist. Mr. S.C. Dumka, learned A.G.A. assisted by Mr. Nikhil Bisht, learned Brief Holder for the State of Uttarakhand. 2. The present Criminal Revision has been filed challenging the order dated 09.09.2026, passed by the learned Court of Fast Track Special Court (POCSO), Dehradun in Special Sessions Trial No. 100 of 2019, <i>State vs. Suchit Narang</i>, whereby the opportunity of the revisionist to cross-examine PW-1 has been closed. 3. Learned Senior Counsel appearing for the revisionist submits that the matter had earlier travelled before the Division Bench of this Court in a Criminal Appeal preferred against the conviction of the revisionist. The said appeal was allowed by the Division Bench vide judgment and order dated 18.06.2025. It is submitted that the Division Bench, after taking into consideration the fact that the revisionist is completely blind, categorically held that the provisions of Section 12(4)(a), (b) and (c) of the Rights of Persons with Disabilities Act, 2016 were required to be complied with so as to ensure that the revisionist was afforded a fair and meaningful opportunity of defending



			himself. 4. Learned Senior Counsel appearing for the revisionist submits that the matter had earlier travelled before the Division Bench of this Court in a Criminal Appeal preferred against the conviction of the revisionist. The said appeal was allowed by the Division Bench vide judgment and order dated 18.06.2025. It is submitted that the Division Bench, after taking into consideration the fact that the revisionist is completely blind, categorically held that the provisions of Section 12(4)(a), (b) and (c) of the Rights of Persons with Disabilities Act, 2016 were required to be complied with so as to ensure that the revisionist was afforded a fair and meaningful opportunity of defending himself. 5. Learned Senior Counsel appearing for the revisionist submits that the matter had earlier travelled before the Division Bench of this Court in a Criminal Appeal preferred by the revisionist against his conviction. The said appeal was allowed by the Division Bench vide judgment and order dated 18.06.2025. It is submitted that, having regard to the fact that the revisionist is completely blind, the Division Bench categorically held that the mandate contained in Section 12(4)(a), (b) and (c) of the Rights of Persons with Disabilities Act, 2016 was required to be complied with so as to ensure that the revisionist was afforded a fair and meaningful opportunity to defend himself. 6. Section 12(4)(a), (b) and (c) of the Rights of Persons with Disabilities Act, 2016 reads as under: <i>“12(4) The appropriate Government shall take steps to—</i> <i>(a) ensure that all their public documents are in accessible formats;</i>
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			<i>(b) ensure that the filing departments, registry or any other office of records are supplied with necessary equipment to enable filing, storing and referring to the documents and evidence in accessible formats; and</i> <i>(c) make available all necessary facilities and equipment to facilitate recording of testimonies, arguments or opinion given by persons with disabilities in their preferred language and means of communication.”</i> 7. Learned Senior Counsel further submits that the Division Bench, while allowing the appeal, had set aside the conviction and directed the learned Trial Court to conduct a re-trial after furnishing the requisite material to the revisionist in compliance with the provisions of Section 12 of the Rights of Persons with Disabilities Act, 2016. It is contended that the Division Bench had specifically noticed that the revisionist, being completely blind, had not been supplied copies of the statements, charge-sheet and other relevant material in Braille or in any other accessible form, thereby depriving him of a meaningful opportunity to understand the material against him and to effectively defend himself. 8. It is further submitted that after remand, the statement of PW-1 was recorded before the learned Trial Court. The revisionist, through his counsel, moved an application seeking a copy of the examination-in-chief of PW-1 in Braille so that he could properly understand the evidence against him and effectively instruct his counsel for the purpose of cross-examination. However, the said request was declined by the learned Trial Court on the ground that the statement of PW-1 recorded under Section 161 Cr.P.C. had already
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			been supplied to the revisionist in Braille. Consequently, the opportunity of the revisionist to cross-examine PW-1 was closed. 9. Learned State Counsel has opposed the revision and submitted that the learned Trial Court has rightly proceeded with the matter in accordance with law. 10. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that the controversy in the present revision is required to be considered in the light of the judgment and order dated 18.06.2025 passed by the Division Bench of this Court. 11. It is not in dispute that the revisionist is completely blind. It is also not in dispute that the Division Bench, while allowing the earlier appeal, had set aside the conviction and directed the learned Trial Court to conduct a re-trial after furnishing the requisite material to the revisionist in compliance with the provisions of Section 12 of the Rights of Persons with Disabilities Act, 2016. 12. The object of the aforesaid direction was to ensure that the revisionist, on account of his visual disability, is placed in a position where he is able to understand the material and evidence being relied upon against him and is consequently able to effectively participate in the proceedings and put forth his defence. Furnishing the material in an accessible form is, therefore, not a mere procedural formality, but is intrinsically connected with the right of the accused to a fair trial. 13. The learned Trial Court, therefore, ought to have ensured compliance with the directions contained in the judgment and order dated 18.06.2025 before proceeding to close the opportunity of
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			the revisionist to cross-examine PW-1. 14. In view of the aforesaid discussion, the impugned order dated 09.09.2026, passed by the learned Court of Fast Track Special Court (POCSO), Dehradun in Special Sessions Trial No. 100 of 2019, <i>State vs. Suchit Narang</i>, whereby the opportunity of the revisionist to cross-examine PW-1 has been closed, cannot be sustained and is hereby set aside. 15. The learned Trial Court is directed to provide to the revisionist a copy of the examination-in-chief of PW-1 in Braille to effectively understand the same. The learned Trial Court shall also ensure that copies of the statements/evidence of the other prosecution witnesses recorded during the re-trial are likewise made available to the revisionist in an accessible form, in compliance with the judgment and order dated 18.06.2025 passed by the Division Bench of this Court and the mandate of Section 12 of the Rights of Persons with Disabilities Act, 2016. 16. It is clarified that this Court has not expressed any opinion on the merits of the prosecution case. 17. The Criminal Revision is, accordingly, allowed in the aforesaid terms. 18. Let a copy of this judgment be transmitted to the learned Trial Court forthwith for compliance. (Alok Mahra, J.) 06-10-2026 SB
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