

VERDICTUM.IN

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S).1376 OF 2024
(ARISING OUT OF S.L.P. (CRIMINAL) NO(S).14848/2023)

BABLU YADAV

APPELLANT(S)

VERSUS

THE STATE OF BIHAR & ANR.

RESPONDENT(S)

O R D E R

Leave granted.

Perused the earlier order dated 6th November, 2023 whereby we have recorded that no interference can be made with the impugned order of remand. The High Court found that it was a one day trial and, therefore, an order of remand has been passed after setting aside the order of conviction.

The learned senior counsel representing the appellant pointed out that on a similar issue, a Coordinate Bench of this Court has heard the appeal and the same has now been reserved for judgment.

We have already approved the approach adopted by the High Court. The learned senior counsel appearing for the appellant stated that Shri Shyam Lal Yadav, Special Public Prosecutor under the Protection of Children from Sexual Offences Act, 2012 assisted by Shri Laxmi Prasad Nayak, learned Advocate for the complainant, may be appointed by the State as the Prosecutors. We direct the State Government to do so

immediately.

As far as the conduct of the trial is concerned, the Code of Criminal Procedure, 1973 (for short, "Cr.PC") is a complete Code starting from Section 309 onwards. Therefore, the Special Court, pursuant to remand, will have to follow the provisions of Section 309 of the Cr.PC in its true letter and spirit.

The learned senior representing the accused tendered across the Bar a chart laying down the timelines. We are afraid, we cannot accept the said suggestion as the Special Court will have to go by the provisions of Section 309 of the Cr.PC and the other provisions which follow Section 309 in Chapter XXIV of the Cr.PC.

We direct the second respondent and the Prosecutor appointed as above to appear before the Special Court on 15th March, 2024 at 10:30 a.m.

On 15th March, 2024, the Special Court shall fix a date for recording of evidence and shall also pass an order of issue of summons to the witnesses, if required, and proceed with the trial as indicated above by following the provisions of Chapter XXIV of the Cr.PC in its true letter and spirit. On the aforesaid date, the Special Court will also grant time of only one week to the second respondent to appoint an Advocate of his choice. On his failure to do so, the learned Advocate,

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who was already appointed to espouse the cause of the second respondent, will continue to represent the second respondent.

The direction issued *vide* order dated 6th November, 2023 to the State Government to provide adequate Police protection to the appellant, witnesses in the case, the members of the family of the appellant and the Prosecutrix, will continue to operate till the disposal of the trial.

With the above observations, the Appeal is disposed of.

.....J.
(ABHAY S.OKA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
MARCH 01, 2024.

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ITEM NO.36

COURT NO.7

SECTION II-A

**S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (Crl.) No(s). 14848/2023

(Arising out of impugned final judgment and order dated 03-04-2023 in CRA[DB] No. 196/2022 passed by the High Court of Judicature at Patna)

BABLU YADAV

Petitioner(s)

VERSUS

THE STATE OF BIHAR & ANR.

Respondent(s)

Date : 01-03-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Vikas Singh, Sr. Adv.
Ms. Deepeika Kalia, Adv.
Mr. Satwik Misra, Adv.
Ms. Gunjan Dogra, Adv.
Mr. Devashree, Adv.
Mr. Keshav Khandelwal, Adv.
Ms. Vasudha Singh, Adv.
Ms. Udita Singh, AOR

For Respondent(s) Mr. A. Sirajudeen, Sr. Adv.
Mrs. Revathy Raghavan, AOR
Mr. Arya Kumar, Adv.
Ms. Divya Singhvi, Adv.

Mr. Manish Kumar, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The Appeal is disposed of in terms of the signed order.

Pending application(s), if any, shall stand disposed of accordingly.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)

[THE SIGNED ORDER IS PLACED ON THE FILE]