
(2025) 12 UK CK 0058

Uttarakhand HC

Case No: Criminal Miscellaneous Application (u/s 528) No. 2063 Of 2025

XXX

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision: Dec. 4, 2025

Acts Referred:

- Indian Penal Code, 1860 - Section 354
- Protection Of Children From Sexual Offences Act, 2012 - Section 7, 8, 21, 35(2)

Hon'ble Judges: Pankaj Purohit, J

Bench: Single Bench

Advocate: Saurabh Kumar Pandey, Sweta Badola Dobhal, Prabhat Kandpal

Final Decision: Allowed

Judgement

Pankaj Purohit, J

1. The present C528 application has been filed by the applicant-victim for a direction to learned FTC/ Additional Sessions Judge, Dehradun, to expedite and conclude the proceedings of Special Sessions Trial No.167 of 2023 *State Vs. Anshul Yadav and Another*, u/s 354 IPC and u/s 7/8 and 21 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

2. The First Information Report No.0117 of 2023 was lodged by grandmother of the applicant-victim against Anshul Yadav in Police Station Cantt District Dehradun on 15.07.2023 under Section 354 IPC and under Section 7/8 of the POCSO. The charge-sheet was submitted after investigation against Anshul Yadav and another. The cognizance was taken by learned FTC/ Special Judge (POCSO)/Additional District Judge, Dehradun on 20.11.2023.

3. Learned counsel for applicant submits that under provisions of Section 35(2) of the POCSO Act, it is mandated that the learned Special Court shall complete the trial as far as possible within a period of one year from the date of cognizance of the offence. For ready reference, Section 35(2) of the POCSO Act is quoted hereinbelow:-

"35(2). The Special Court shall complete the trial, as far as possible, within a period of one year from the date of taking cognizance of the offence."

4. Learned counsel for applicant submits that the applicant is before this Court for direction to learned FTC/Additional Sessions Judge, Dehradun, for expedite the hearing of Special Sessions Trial No.167 of 2023 *State Vs. Anshul Yadav and Another*, on the basis of the aforesaid legal mandate as the trial has already taken more than two years from the date of cognizance.

5. Learned State Counsel submits that out of eight prosecution witnesses, three witnesses have been examined and now five witnesses are left to be examined at the choice of the prosecution.

6. Having heard learned counsel for the parties and having perused the provisions of Section 35(2) of the POCSO as well as the stage of the trial that out of eight prosecution witnesses, three witnesses have been examined, this Court thinks it a fit case, where direction can be issued to learned FTC/Special Judge (POCSO)/Additional District Judge, Dehradun, for expedite hearing of Special Sessions Trial No.167 of 2023 *State Vs. Anshul Yadav and Another*.

7. Accordingly, the present C528 application is allowed. Learned FTC/Special Judge (POCSO)/Additional District Judge, Dehradun, is directed to decide and conclude the proceedings of Special Sessions Trial No.167 of 2023 *State Vs. Anshul Yadav and Another*, under Section 354 IPC and under Section 7/8 and 21 of the POCSO Act, 2012, expeditiously but not later than six months from the date of production of certified copy of this order.