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HRW  
**SC stays HC order  
to recall witnesses  
in Uber rape case**

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**NEW DELHI:** In a relief to the Uber rape victim, the Supreme Court on Tuesday stayed a March 4 order of the Delhi High Court recalling 13 prosecution witnesses, including her, for examination.

A Bench led by Justice J.S. Khehar stayed the trial in the rape case and restrained the media from reporting testimonies given by any of these 13 witnesses on the basis of the High Court order.

Taking a serious view of the High Court allowing the accused to re-call the witnesses merely on the ground that he felt unhappy about his lawyer's performance, Justice Khehar asked "what happens if this principle is applied everywhere?"

Noting that she suffers alone and cannot once more go through the agony of a trial, Uber rape victim had on Monday moved the Supreme Court against the High Court order.

The victim was allegedly assaulted and raped by Shiv Kumar Yadav, a driver with Uber taxi services, while on her way home on December 5 night last year.

The victim, represented by senior advocate Colin Gonsalves, alleged that the accused was employing delay tactics. She said that in cases of crimes against women, the victims alone suffer from

such delay.

Her petition termed the March 4, 2015 High Court order "cryptic", it said the High Court made an "abrupt jump" from total rejection of the accused's claims to allowing him to re-call 13 witnesses without offering any explanations.

For one, the High Court had even rejected Mr. Yadav's claim that his earlier counsel "was not competent to appear as an advocate" as he was not issued a certificate to practice law, but relented to his demand at the end.

The victim submitted that the accused had made no complaints about his counsel during prosecution evidence and when he made his defence statement. The lawyer was replaced by a new one only later on.

She submitted that the High Court allowed the accused to recall the witnesses while ignoring the fact that the trial court had earlier refused Mr. Yadav's plea to re-examine all 28 prosecution witnesses.

The trial court had rejected for the reasons that the counsel was Mr. Yadav's private lawyer of choice and had followed the accused's instructions. It had further reasoned that Mr. Yadav was "no stranger to a criminal trial" as he was earlier acquitted in a rape case.