

UBER CAB RAPE CASE

# Apex Court Stays Trial Court Proceedings

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Asks trial court to take a call on complainant's plea against Delhi HC order to cross-examine her afresh

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New Delhi: The Supreme Court on Tuesday stayed trial court proceedings in the Uber cab rape case till it took a call on a plea by the complainant against a Delhi High Court order recalling her and several other witnesses for cross-examination afresh.

A fast-track court is conducting day-to-day proceedings in the case. The high court had on March 5 directed the recall of several witnesses, including the complainant, following a plea by

the accused. The complainant had objected to this as an attempt to prolong her ordeal by delaying the trial.

Acting on her plea, a top court bench comprising Justices JS Khehar and SA Bobde stayed the high court order. The bench also issued notices to the rape accused and Delhi Police to explain within two weeks their stand on her plea to stay the fresh deposition.

Her fresh statement before the trial court following the high court order will also be placed in a sealed cover and won't be published, the top court directed in the interim.

The complainant and her father

were present in court during the hearing. Arguing for her, senior advocate Colin Gonsalves said that no accused could demand the recall of witnesses only on the ground that his lawyer had changed.

The accused Shijv Kumar Yadav's new lawyer had moved the Delhi High Court for fresh cross examination of the witnesses after his lawyer changed. He claimed that his earlier lawyer had not been competent.

Yadav is accused of raping a 25-year-old passenger. His plea had been rejected by the trial court, but accepted by the high court. The high

court observed that he was a veteran at such trials as he had been acquitted of rape in an earlier case in Meerut, but ordered the recall of witnesses in the case.

The top court bench, however, wondered whether it could interfere in the exercise of a discretionary power vested in a court to facilitate fair trial.

"In our criminal justice system, we protect the accused to the hilt. We shield him in all ways. In that background if the (high) court says the plea is allowed in the interest of justice, how can we interfere?" the bench observed.