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Uber victim challenges order to recall her for questioning, SC hearing today

Defence grilling still on

EXPRESS NEWS SERVICE
NEW DELHI, MARCH 9

THE woman raped allegedly by a Uber taxi driver on December 5 moved the Supreme Court against an order to recall and re-examine her and 12 other witnesses in the trial proceedings. The apex court has admitted the petition and will hear it on Tuesday.

A bench led by Chief Justice H L Dattu allowed the 25-year-old executive's plea to urgently list the matter after senior advocate Colin Gonsalves pleaded for an early hearing. Gonsalves said that he would press for a stay on the Delhi High Court order that allowed the defence to cross-examine the victim and key witnesses all over again.

"It will come tomorrow for hearing. In the meantime, correct all the defects in your petition," the bench told Gonsalves.

The accused in the case which shook Delhi, cabbie Shiv Kumar Yadav, had complained that the case was proceeding at a hurried pace and he was also

not being duly represented by the defence counsel. However, the victim's appeal trashed his claims in the apex court, stating that the High Court order would amount to a retrial on a flimsy ground, causing substantial injustice to the complainant.

"The conclusion of the High Court that it is the accused alone who stands to suffer on account of the delay is totally wrong as it is the victim who suffers the most for having to go through a trial virtually from the beginning all over again," read the petition.

Questioning as to why the High Court passed the order without giving her any opportunity to contest the claims made by the accused, the petition said she "will be put to unnecessary torture and harassment by going through the traumatic experience once again".

It sought an immediate stay on the High Court order, saying "there is reasonable ground to believe that the petitioner is put to such an ordeal only to be victimised repeatedly".

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THE fast-track court hearing the Uber taxi rape case on Monday continued the cross-examination of the victim for the third day, asking her questions on the incident until she made calls to the police on the night of December 5.

The cross-examination remained inconclusive and would continue on Tuesday. The proceedings took place even as the Supreme Court decided to hear the victim's appeal against the Delhi High Court's March 4 order, allowing the accused Shiv Kumar Yadav to recall her and 12 other witnesses.

Defence counsel D K Mishra also moved a plea seeking the court's direction to start the proceedings in the morning session to provide "sufficient and adequate time" for conducting the trial on a day-to-day basis, as ordered by the Delhi High Court. The defence also sought the presence of the

No quick hearing on rape film ban

NEW DELHI: The Delhi High Court on Monday refused to give urgent hearing to a PIL seeking the lifting of the ban on the December 16, 2012 rape documentary, *India's Daughter*, which features an interview with one of the four convicts, Mukesh Singh, who is on death row.

A bench said there is no such urgency in the matter and it will be heard on Wednesday. Two law students, Arun Menon and Kritika Padode, had filed a PIL, saying the ban on the documentary is a violation of their fundamental rights under Article 19 of the Indian Constitution.

public prosecutor before the court at "the normal time in the morning hours for a speedy, just and fair disposal of the case".