SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			C528/1769/2026 Mohd Momin --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Rakesh Thapliyal, J.** 1. Mr. Lalit Sharma, learned counsel with Ms. Suraiya Naaz, learned counsel for the applicant. 2. Mr. Himanshu Sain, learned A.G.A. for the State. 3. The instant petition is preferred by the present applicant Mohd. Momin under Section 528 of BNSS 2023 who is facing trial in S.S.T. No. 40 of 2024, arising out of Case Crime No. 39 of 2024, for the offence punishable under Section 377 IPC read with Section 9/10 of the POCSO Act. By the order impugned learned Trial Court closed the opportunity of the applicant to cross-examine PW1, the victim. 4. It is argued that earlier counsel without consent sought adjournment on the date fixed when PW1 was called for cross-examination and thereafter another counsel was engaged and he has moved an application to cross-examine the witness but the same was rejected on the ground that twice the opportunity was given but the counsel sought adjournment. Learned counsel for the applicant argued that if the opportunity is not given to cross-examine PW1 then it will cause serious prejudice to the applicant who is facing the trial for the

			serious offence. 5. Mr. Sain, learned A.G.A for the State also submits that for substantial justice one single opportunity can be given to the present applicant to cross-examine PW1. 6. No doubt applicant is facing the trial for the heinous offence but he has also right to defend himself before the Trial Court, then in such an eventuality at least one opportunity should be given to the applicant to cross-examine PW1. 7. In such view of the matter the instant C528 application is disposed of finally by setting aside the order of the Trial Court dated 09.01.2026 and the Trial Court is directed to give an opportunity to the present applicant to cross-examine PW1 by giving a particular date. 8. It is made clear that if on the date fixed the applicant fails to cross-examine PW1 no further opportunity shall be given by the Trial Court and the Trial Court will proceed with the matter. **(Rakesh Thapliyal, J.)** 19-08-2026 Parul