

IN THE COURT OF MANISH KUMAR  
CHIEF JUDICIAL MAGISTRATE, GURUGRAM.  
UID No.HR0367

CIS No. CHI 4654 of 2024  
CNR No. HRGR03-070522-2024  
Date of Institution : 03.09.2024  
**Date of Decision : 29.07.2025**

State                      Vs                      Atul Upyadhay son of Shalikaram resident  
of Barharpur, Partapgarh, Patti,  
Pratapgarh, Uttar Pradesh.

...Accused

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FIR No. 254 of 09.08.2024  
U/S : 223(b) of The Bharatiya Nyaya  
Sanhita, 2023  
Police Station: DLF Phase-I, Gurugram  
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Present :        Sh. Yoginder Rana, APP for State.  
                     Accused **Atul Upyadhay** on bail being represented by  
                     Sh. Ajay Yadav, Advocate.

**JUDGMENT:**

The above named, accused, has been sent by the Officer Incharge of Police Station DLF Phase-I, Gurugram, to face trial for the alleged commission of offence punishable under Section 223(b) of The Bharatiya Nyaya Sanhita, 2023.

2.                Briefly stated, the facts of the prosecution case are that on 09.08.2024, ASI Saurabh alongwith fellow policeman was present on Hotel checking duty at Sector-26, G-block Phase-I, Gurugram. There, the above mentioned accused person was found open the hotel. On asking, he failed to show any reasonable cause for open the hotel, verification and produce the register. Since, the above named accused violated the directions of District Magistrate issued vide Endst. No. 3839/MB dated 17.07.2024, he ws apprehended. On asking he told his name as **Atul**

**Upyadhay.** An offence under Section 223(b) of The Bharatiya Nyaya Sanhita, 2023 seemed to have been committed.

3. On this basis, FIR under Section 223(b) of The Bharatiya Nyaya Sanhita, 2023 was registered against the accused. Investigation was initiated and accused was arrested. The site plan was prepared. The statement of witnesses under Section 180 BNSS were recorded. After completion of the investigation and other legal formalities, final report under section 193(3) BNSS was prepared and the same alongwith accused were forwarded to the Court for trial.

4. The copy of final report under section 193(3) BNSS as envisaged under Section 230 BNS were supplied to the accused free of costs. Notice of accusation under Section 223(b) of The Bharatiya Nyaya Sanhita, 2023 has been served upon the accused person, to which he pleaded not guilty and claim trial.

5. Today, accused above named appeared before the Court and desired to confess his guilt. This court is satisfied that the accused has pleaded guilty without any fear and pressure. On the basis of plea of guilt, accused **Atul Upyadhay** is, hereby, held guilty for commission of offence punishable under Section 223(b) of The Bharatiya Nyaya Sanhita, 2023. Let convicts be heard on quantum of sentence.

Announced in open Court :

Dated : 29.07.2025

Puneet, Steno-II

(Manish Kumar)

Chief Judicial Magistrate

Gurugram. (UID No. HR0367)

**Order on Quantum of Sentence:-**

Present : Sh. Yoginder Rana, APP for State.  
Convict **Atul Upyadhay** on bail being represented by  
Sh. Ajay Yadav, Advocate.

**O R D E R :-**

Heard on quantum of sentence. Statement of convict on quantum of sentence has been recorded. He has requested that a lenient view be taken qua him. Convict has been convicted under Section 223(b) of The Bharatiya Nyaya Sanhita, 2023. Keeping in view the facts, circumstances, gravity and nature of the offence, convict **Atul Upyadhay** is sentenced to pay a **fine of Rs. 5,000/-** for the commission of offence under Section 223(b) of The Bharatiya Nyaya Sanhita, 2023. Fine paid, against receipt. Copy of judgment and order on quantum of sentence have been supplied to convict free of costs. File be consigned to record room after due compliance.

Announced in open Court :

Dated: 29.07.2025

(Puneet)  
Stenographer-II

(Manish Kumar)

Chief Judicial Magistrate

Gurugram (UID No. HR0367)

Note :

Certified that all the three (03) pages of this judgment have been checked and signed by me.

(Manish Kumar)

Chief Judicial Magistrate

Gurugram (UID No. HR0367)

Present : Sh. Yoginder Rana, APP for State.  
Accused **Atul Uypadhay** on bail being represented by  
Sh. Ajay Yadav, Advocate.

Today the case is fixed for prosecution evidence. At this stage, accused above named appeared before the Court and desired to confess his guilt. His statement in this regard recorded separately.

Vide my separate judgment of even date, the accused above named has been held guilty for the commission of offence punishable under Section 223(b) of The Bharatiya Nyaya Sanhita, 2023. He has been heard on the quantum of sentence. A **fine of Rs. 5,000/-** is imposed upon the accused for commission of offence punishable under Section 223(b) of The Bharatiya Nyaya Sanhita, 2023. Fine paid against receipt. Copy of judgment and order on quantum of sentence have been supplied to convicts free of costs. File be consigned to the record room after due compliance.

Announced in open Court :  
Dated: 29.07.2025

(Manish Kumar)  
Chief Judicial Magistrate  
Gurugram (UID No. HR0367)

(Puneet)  
Stenographer-II