



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 547 of 2026

Virendra Kumar Gupta

.....Revisionist(s)

Versus

State Of U.P. And 4 Others

.....Opposite Party(s)

Counsel for Revisionist(s)	:	Ajit Dwivedi, Shivendu Ojha, Sr. Advocate
Counsel for Opposite Party(s)	:	G.A.

Court No. - 87

HON'BLE ABDUL SHAHID, J.

1. Heard Sri R.K. Ojha, learned Senior Counsel assisted by Sri Ajit Dwivedi, learned counsel for the revisionist and the learned AGA for the State.

2. The present criminal revision has been preferred against the order dated 19.11.2025, passed by the Up-ziladhikari, Tehsil Sadar, Varanasi in Case No. 53566 of 2025 (Computerized Case No.T202514700153566) (Kumari Vishnupriya Vs. V.K. Coal Traders through its Proprietor Virendra Kumar Gupta) under Section 152 of BNSS.

3. Learned Senior Counsel has heavily relied and submitted that neither any notice has been served on the revisionist prior to passing of the impugned order nor any opportunity of hearing has been provided. He further submitted that the said order has been passed as the revisionist had not complied the condition imposed in the order dated 11.6.2024 passed under Section 133 Cr.P.C.

4. Learned AGA has submitted that there is no illegality or infirmity in the impugned order. The revision is liable to be dismissed.

5. Learned Senior Counsel appearing for the revisionist has relied on Section 141 of Cr.P.C. which reads as under:-

"141. Procedure on order being made absolute and consequences of disobedience.-

(1) When an order has been made absolute under section 136 or section 138, the Magistrate shall give notice of the same to the person against whom the order was made, and shall further require him to perform the act directed by the order within a time to be fixed in the notice, and inform him that, in case of disobedience, he will be liable to the penalty provided by section 188 of the Indian Penal Code (45 of 1860).

(2) If such act is not performed within the time fixed, the Magistrate may cause it to be performed, and may recover the costs of performing it, either by the sale of any building, goods or other property removed by his order, or by the distress and sale of any other movable property of such person within or without such Magistrate's local

jurisdiction, and if such other property is without such jurisdiction, the order shall authorise its attachment and sale when endorsed by the Magistrate within whose local jurisdiction the property to be attached is found.

(3) No suit shall lie in respect of anything done in good faith under this section:

6. Learned counsel for the revisionist has relied that in the impugned order, neither any notice has been issued nor any procedure has been followed and further no time for compliance has been provided to the revisionist. The learned Magistrate has recorded in the impugned order that he talked with the revisionist on mobile. It is denied by the learned Senior Counsel that the revisionist had not on any call or any conversation. The information on mobile is not prescribed in any procedure.

7. It appears that there is prima facie non-compliance of requisite ingredient as per Section 141 Cr.P.C, hence the matter requires consideration.

8. Learned AGA appears for all the opposite parties.

9. Learned AGA is directed to file a counter affidavit within three weeks. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

10. Meanwhile, operation of the impugned order dated 19.11.2025, passed by the Up-ziladhikari, Tehsil Sadar, Varanasi in Case No. 53566 of 2025 (Computerized Case No.T202514700153566) (Kumari Vishnupriya Vs. V.K. Coal Traders through its Proprietor Virendra Kumar Gupta), under Section 152 of BNSS, is hereby stayed till the next date of listing.

11. List this matter as fresh on 25.3.2026.

February 12, 2026
sfa/

(Abdul Shahid,J.)