



2026:AHC:82780

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 2430 of 2019

Ujjwal Ambesh

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s) : Anshu Chaudhary, Kaushlesh Tripathi
Counsel for Respondent(s) : Ashok Kumar Nigam, G.A.

Court No. - 53

HON'BLE ABDUL SHAHID, J.

1. Heard learned counsel for the appellant, learned A.G.A. for the State, and learned counsel for opposite party nos. 2 and 3.

2. The present criminal appeal has been filed against the impugned order dated 05.01.2019 passed by the learned Second Additional Sessions Judge/Special Judge (SC/ST Act), Baghpat, in Criminal Misc. Case No. 41 of 2018/F.R. No. 196 of 2015 (Ujjwal Ambesh vs. Vinod Sharma and others).

3. The learned trial court has specifically held, at page no. 3 of the judgment, that after submission of the final report, notices were issued to the appellant/complainant (Ujjwal) on 08.10.2018, 17.10.2018, 29.10.2018, and 13.12.2018. With regard to the notice dated 08.10.2018, it was reported that the notice had been served at the residence of the complainant, and his mother, Smt. Kamlesh Ambesh, had informed the complainant about the date and place of hearing. At the relevant time, the complainant was posted as Additional Chief Officer at Zila Panchayat, Kashganj.

4. With respect to the second notice dated 17.10.2018, a report was received from the concerned police station stating that the notice was sent to the address of the complainant/appellant, but the house was found locked. It is settled law that where the premises are found locked, service may be treated as sufficient, and a party cannot avoid service by remaining unavailable.

5. In respect of the notice dated 29.10.2018, it was reported that the notice was served through a Head Constable. Since the complainant/appellant was not present in his office on 05.11.2018, a photocopy of the notice was submitted at his office, and he was duly informed telephonically about the same. As the complainant is a government employee, it is also settled that service at the place of employment can be treated as valid service.

6. The notice dated 13.12.2018 was personally served upon the complainant/appellant.

7. During the entire investigation, nothing substantive was found. Despite several notices having been issued to the complainant/appellant, he did not file any objection. Adequate and proper opportunity of hearing was provided to him. The matter was investigated, and a final report was submitted, finding no offence. Thereafter, further investigation was ordered, and statements of the complainant as well as the opposite parties were recorded.

8. Even upon further investigation, no substantive material was found, and a supplementary final report was submitted. After submission of the same, notices were again issued on four occasions to the complainant/appellant, which were duly served upon him. The learned trial court has elaborately recorded these facts at page no. 3 of the impugned order dated 05.01.2019. Even thereafter, the complainant/appellant failed to file any objection.

9. There is no substance in the present criminal appeal.

10. The impugned order dated 05.01.2019 is hereby affirmed.

11. Accordingly, the criminal appeal is dismissed.

(Abdul Shahid,J.)

April 15, 2026

K.K. Maurya