



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 5844 of 2026

Sk Satyen

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Kunwar Siddharth Singh, Zafar Abbas
Counsel for Opposite Party(s) : G.A.

Court No. - 53

HON'BLE SAMIT GOPAL, J.

1. List revised.

2. Heard Sri Sarve Nazir, Advocate, holding brief of Sri Zafar Abbas, learned counsel for the applicant, Sri Arvind Kumar, learned A.G.A.-I for the State of U.P. and perused the record.

3. Learned counsel for the applicant submits that the F.I.R. in the matter was lodged on 12.04.2019 under Sections 188, 171-F I.P.C., Police Station Kotwali, District Azamgarh against 50 workers of Samajwadi Party who are described as unknown persons in which the applicant was made an accused during investigation. He submits that no offence whatsoever is made out against the applicant. It is further submitted that the allegations against the applicant are vague. He further submits that learned Magistrate after submission of the charge sheet took cognizance even for offence under Section 188 IPC though in view of the provisions of Section 195(1)(a)(i) Cr.P.C. he could not take cognizance for offence under Section 188 IPC on the police report and therefore cognizance order dated 10.8.2020 is illegal. It is submitted that as per Section 171 F IPC, whoever commits an offence of undue influence or personation at election then he can be said to have committed an offence under Section 171F IPC but from the material available on record, it appears, there is no such allegation against the applicant, therefore, prima facie even offence under Section 171F IPC is also not made out. It is submitted that co-accused Sangram Yadav approached before this Court by filing an Application U/S 528 BNSS No.2025 in which vide order dated 09.12.2025 an interim order has been passed by a co-ordinate Bench of this Court in his favour, the said order has been placed before the Court

which is annexure no.10 to the affidavit in support of this application.

4. Matter requires consideration.

5. Notice on behalf of the State of U.P./Opposite Party No. 1 has been accepted by the learned State counsel.

6. Issue notice to the opposite party no. 2 returnable within three weeks. Steps be taken within a week.

7. Opposite parties may file counter affidavits, if any, within the said period. Rejoinder affidavit may be filed within two weeks thereafter.

8. Connect with Application U/S 528 BNSS No.2025 (Sangram Yadav vs. State of U.P. and Another) and list on 01.04.2026.

9. Till the next date of listing, further proceeding pending against the applicant in Criminal Case No.6111 of 2020 (State Vs. Hawaldar and others) arising out of Case Crime No.124 of 2019, under Sections 188 and 171F IPC, Police Station Kotwali, Azamgarh pending in the court of Chief Judicial Magistrate, Azamgarh shall remain stayed.

(Samit Gopal,J.)

February 11, 2026

Naresh