



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 6118 of 2026

Arvind

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Ashok Kumar Mishra, Dharmendra
Kumar Mishra, Ravi Shukla

Counsel for Opposite Party(s) : G.A.

Court No. - 78

HON'BLE AVNISH SAXENA, J.

1. Sri Dharmendra Kumar Mishra, learned counsel for the accused-applicant appears and submits that the present application under Section 528 B.N.S.S. has been moved to quash the cognizance taking order dated 12.11.2025 passed by the Additional District and Sessions Judge, Special POCSO Act (Exclusive), Baghpat in Sessions Trial No.482 of 2016 (State Vs. Arvind), arising out of Case Crime No.489 of 2013, Police Station Baraut, District Baghpat. The applicant is aggrieved as the Investigating Officer has moved an application on 29.08.2022 stating therein that the charge sheet no.24 of 2014 has been submitted before the Magistrate court on 18.01.2014, but due to oversight, the SCD-1 and 2 and the supplementary charge sheet invoking the POCSO Act, which would have been submitted before court on 30.09.2015, could not be submitted. It is, thereafter, placed before the court for taking cognizance. The record is silent as to whether the additional/supplementary charge sheet is submitted by the I.O. through proper channel or not, because the application which is at page no.41 of the present application, is addressed to the Additional District Judge, FTC Court (Crime against women), District Baraut, and the Special Court of POCSO Act, on the case being transferred to that Court, has taken cognizance under the offence of POCSO Act, after the elapse of nearly 10 years, without considering that the supplementary charge sheet is submitted as per law or not. Hence, seeks interference of this Court.

2. Learned A.G.A. for the State seeks time to file counter affidavit.
3. At the outset, this Court does not find it proper to issue notice to opposite party no.2 at this juncture, because a question of law is to be dealt with.
4. Considering the above discussed circumstances, the order dated 12.11.2025 detailed hereinabove, shall not be given effect to till further orders of this Court. However, the trial may proceed.
5. The non-bailable warrant issued by the trial court against the accused after transferring of the case to the transferred court is quashed, subject to the condition that the accused-applicant shall appear before the trial court within 15 days.
6. List on 16.04.2026 at 2:00 p.m.

(Avnish Saxena,J.)

February 13, 2026
Shivangi