



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 11103 of 2026

Som Nath Gautam

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Tinku Singh, Vijay Singh Gour
Counsel for Opposite Party(s)	:	Atul Srivastava, G.A.

Court No. - 80

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard learned counsel for the applicant, learned counsel for opposite party no.2 and learned A.G.A. for the State-opposite party no.1.
2. The present application has been filed with a prayer to set aside the impugned order dated 17.07.2023 passed by the learned Additional Judge, Room No. 3, Kanpur Nagar in Session Trial No.487 of 2022 (Sarkar Vs. Somnath Gautam & ors.) arising out of Case Crime No.267 of 2021, under Sections 302, 201, 394, 376D, 411 and 341 IPC, Police Station Rail Bazar, District East (Commissionerate Kanpur Nagar).
3. It is submitted by the learned counsel for the applicant that a wrong and illegal order dated 17.07.2023 was passed by the learned trial court, compelling the applicant to provide his blood sample. A person cannot be compelled to give his blood sample against his wishes.
4. Per contra, the learned A.G.A. as well as the learned counsel for opposite party no. 2 submit that the interim order dated 17.07.2025 has been complied with and DNA report has been brought on the record of the learned trial court. It is submitted that all the witnesses have been examined in this case, and the case is fixed at the stage of examination of the accused under Section 313 Cr.P.C.
5. Learned counsel for opposite party no.2 prays for and is granted two weeks' time to file counter affidavit in the matter.

6. Two weeks, thereafter, is granted to file rejoinder affidavit.
7. List this case on 02.07.2026.
8. Learned A.G.A. may also file a counter affidavit in the meantime.
9. It is made clear that there is no interim order passed in this case.

(Vivek Kumar Singh,J.)

April 27, 2026
Radhika