



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 2202 of 2026

Sunil Chaubey

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Pawan Kumar Patel
Counsel for Opposite Party(s)	:	G.A.

Court No. - 86

HON'BLE SUBHASH CHANDRA SHARMA, J.

It is submitted by learned counsel for the revisionist that in this case, charge sheet was filed on 19.02.2025 under Sections 303(2), 109, 221, 61(2), 317(2) BNS and Section 2/3 The Prevention of Damage to Public Property Act, Police station Rajgarh, District Mirzapur with contention that the driver of truck bearing No. UP64CT4303 was transporting concrete which was prevented by the informant but the driver of the truck made an attempt to kill them by trampling them by truck. Later on, the present revisionist who was in a car namely, Hyundai Creta bearing no. UP64AV2700 made interference in discharge of official duties, since he was escorting the truck. Further submitted that no offence under Section 109 BNS/307 IPC can be said to be made out against the present revisionist, since, neither he was driving the truck nor he was sitting in it but he was sitting in a Hyundai Creta car. In this way, no offence under Section 109 BNS can be said to be committed by the present revisionist. He moved an application for discharge before the learned trial court on 10.12.2025, that was rejected outrightly vide order dated 30.01.2026 without considering this fact, therefore, the order dated 30.01.2026 passed by learned trial court being illegal is liable to be set aside and revision to be allowed.

Admit.

Issue notice to opposite party no. 2 returnable within four weeks through Chief Judicial Magistrate, concerned.

List this case on 06.05.2026.

In the meantime, the proceeding in Session Trial No. 1019 of 2025 (State Vs. Priyansh Yadav and others) arising out of Case Crime No. 28 of 2025, under Sections 303(2), 109, 221, 61(2), 317(2) BNS and Section 2/3 The Prevention of Damage to Public Property Act, Police station Rajgarh, District Mirzapur shall remain stayed to the extent of present revisionist only.

April 7, 2026
Anurag Singh

(Subhash Chandra Sharma,J.)