

Court No. - 71

Case :- APPLICATION U/S 528 BNSS No. - 18908 of 2025

Applicant :- Anuj Kumar Rai

Opposite Party :- State Of U.P. Through Secretary
Department Of Home And 6 Others

Counsel for Applicant :- Yogesh Singh

Counsel for Opposite Party :- G.A., Krishna Chandra
Pandey

Hon'ble Jitendra Kumar Sinha,J.

1. Heard Mr. Yogesh Singh, learned counsel for the applicant, Sri Krishna Chandra Pandey, learned counsel for private opposite party Nos.4 to 7 and Shri Amitabh, learned A.G.A. for the State- opposite party No.1.

2. The present application u/s 528 of BNSS of 2023 has been filed with prayer to quash the order dated 21.4.2025 and further proceedings of Criminal Revision No.507 of 2024 (Anuj Rai Vs. State of U.P. and others) arising out of Criminal Case No.42 of 2023 (Government Vs. Archana Rai and others) under Section 145 Cr.P.C., Police Station Chowk, Commissionerate Varanasi, pending in the Court of Additional District and Sessions Judge, Court No.14, Varanasi.

3. It is submitted by the learned counsel for the applicant that earlier an application under Section 528 of BNSS No.39496 of 2024 was filed before this Court, in which, a coordinate Bench of this Court has passed the order dated 11.12.2024 staying the proceedings of Case No.42 of 2023 (Government Vs. Archana Rai and others), under Section 145 Cr.P.C, P.S. Chowk, District Varanasi. The learned Additional Deputy Commissioner of Police attached the property in dispute and the said order was challenged before the learned Sessions Judge, Varanasi, in criminal revision proceedings. He further submits that the said criminal revision No.507 of 2024 is pending before the learned Additional District and Sessions Judge, Court No.14, Varanasi and the same is at the stage of arguments.

4. Learned counsel for the applicants submits that an application was filed before the Court concerned to stay the proceedings of Criminal Revision No.507 of 2024. Vide order

impugned, the learned court concerned has refused to stay the proceedings of Criminal Revision No.507 of 2024. He further submits that if the proceedings of the Criminal Revision No.507 of 2024 is allowed to continue conflicting findings by the Revisional Court may come and since the proceedings of the Criminal Case No.42 of 2023, pending before the Additional Deputy Commissioner of Police, Varanasi is stayed, then the same may also be stayed by this court.

5. On the other hand, Mr. K.C. Pandey, learned counsel for private opposite party No.4 to 7 has submitted that there is no impediment in the criminal revision being heard by the learned Additional Sessions Judge, Court No.14, Varanasi.

6. Learned AGA has also made similar argument as made by the learned counsel for Opposite Party No.4 to 7.

7. Connect and list this case along with Application U/S 528 BNSS No.39496 of 2024 on 28.8.2025.

8. Till the next date of listing, further proceedings of Criminal Revision No.507 of 2024 (Anuj Rai Vs. State of U.P. and others) arising out of Criminal Case No.42 of 2023 (Government Vs. Archana Rai and others) under Section 145 Cr.P.C., Police Station Chowk, Commissionerate Varanasi, pending in the Court of Additional District and Sessions Judge, Court No.14, Varanasi shall remain stayed.

Order Date :- 5.8.2025
SFH