

Court No. - 79

Case :- APPLICATION U/S 528 BNSS No. - 23933 of 2025

Applicant :- Manish Kumar

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Gaurav Pundir

Counsel for Opposite Party :- G.A.

Hon'ble Avnish Saxena,J.

1. Sri Gaurav Pundir, learned counsel for the applicant appears and submits that the applicant is aggrieved by order dated 17.05.2025 passed by the court of Additional District & Sessions Judge (FTC), Court No.1, Bijnor in S.T. No. 805 of 2022 (State Vs. Manish) under Sections 452, 323, 376, 504 and 506 IPC, P.S. Noorpur, District Bijnor arising out of case crime no. 275 of 2021.

2. By the said order, the trial court has changed the date of incident from '12.03.2021 to 12.03.2020'.

3. The FIR has been registered on 07.08.2021 against seven named accused persons including the applicant. The FIR disclosed the specific date of incident as 12.03.2021 and specific time of incident as 10.30 p.m. The FIR is apparently five months delayed. The statement of prosecutrix recorded under Section 161 and 164 Cr.P.C. also contained the same date i.e. 12.03.2021 instead of 12.03.2020.

4. The contention of learned counsel is that in the bail application, the applicant has clearly mentioned that he has been falsely implicated in the case as on the concerned date of incident, he was at Mumbai. The change of date is merely on the basis of record, which has been produced by the applicant in his bail application.

5. It is apparent from the order that the learned trial court has amended date of incident in the charge, which prejudiced and jeopardized the right of the applicant.

6. Learned AGA is present for the State-opposite party no.1.

7. Issue notice to opposite party no.2 returnable at an early date.

8. List this case on 07.10.2025.

9. In the meantime all the parties may exchange the affidavits in

reply to the averments.

10. Till the next date of listing further proceeding of S.T. No. 805 of 2022 (State Vs. Manish) arising out of case crime no. 275 of 2021, under Sections 452, 323, 376, 504 and 506 IPC, P.S. Noorpur, District Bijnor shall remain stayed.

Order Date :- 13.8.2025

Abhishek Sri.

(Avnish Saxena,J.)