



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 27395 of 2025

Krishna Kant Upadhyay Alias Krishna Kumar Upadhyay
Assistant Development Officer

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ashish Kumar Gupta
Counsel for Opposite Party(s)	:	G.A.

Court No. - 77

HON'BLE SAURABH SRIVASTAVA, J.

1. At the very outset, learned counsel for applicant contended that learned court concerned has taken cognizance of the offence without ensuring mandatory compliance of Section 197 Cr.P.C. since applicant is a government servant and the allegations pertain to acts allegedly committed in the course of discharge of his official duties.
2. Issue notice to opposite party no.2 through learned Chief Judicial Magistrate, Azamgarh.
3. Learned Chief Judicial Magistrate, Azamgarh is directed to ensure service of notice upon opposite party no.2 within seven days from the date of service of this order upon him.
4. Put up this case on **12.01.2026 as fresh**.
5. Meanwhile, learned AGA may also obtain complete instructions.
6. Till the next date of listing, entire proceedings of Case No.30258 of 2025 (State Vs. Badam Devi and others), arising out of Case Crime No.169 of 2024, under Section 409, 420 IPC, P.S. Jahanaganj, District Azamgarh, pending the court of learned Chief Judicial Magistrate, Azamgarh, shall remain stayed qua applicant herein.
7. Registrar (Compliance) is hereby directed to ensure service of this order upon learned Chief Judicial Magistrate, Azamgarh **within 48 hours** for necessary compliance.

December 11, 2025
Vivek Kr.

(Saurabh Srivastava,J.)