



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 34334 of 2025

Pushp Raj Singh Alias Guddu

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Prashant Singh, Sanjay Kumar Singh,
Saurabh Raj Srivastava

Counsel for Opposite Party(s) : Anil Kumar Shukla, G.A., Rahul
Kumar Shukla, Ravindra Kumar
Mishra, Satwik Tripathi

Court No. - 80

HON'BLE VIVEK KUMAR SINGH, J.

1. Supplementary affidavit filed on behalf of the applicant and counter affidavit filed on behalf of the State are taken on record.
2. The allegation of rape has been levelled by the victim against the applicant when her statement under Section 183 BNSS was recorded during the course of the investigation. The investigating officer did not submit a charge sheet against the applicant under Section 70(2) BNS, and the applicant was charge-sheeted under Sections 351(2) and 352 BNS. The learned Magistrate, at the time of taking cognizance, proceeded against the applicant under Section 70(2) BNS. The investigating officer of the present case has filed a counter affidavit, wherein it is admitted in paragraph no. 7 that the learned trial court did not commit any illegality in adding Section 70(2) BNS, and it is admitted in paragraph no. 8 of the counter affidavit that a heinous offence is made out against the applicant, therefore, the learned trial court added the section in accordance with law. The investigating officer admits that an offence under Section 70(2) BNS is made out against the applicant, but it is an admitted fact that no charge sheet was submitted against the applicant under Section 70(2) BNS.
3. The investigating officer, Gulab Singh, of the present Case Crime No. 132 of 2025 registered at Police Station Koraon, District Prayagraj, shall appear personally before this Court on 15.05.2026 and explain his conduct.

4. Put up this case as fresh on 15.05.2026.

April 28, 2026
Radhika

(Vivek Kumar Singh,J.)