



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 50752 of 2025

Vimal Kumar Yadav

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Mithilesh Kumar Tiwari

Counsel for Opposite Party(s) : G.A., Himanshu Kushawaha, Santosh Kumar Rai

Court No. - 74

HON'BLE SANJAY KUMAR PACHORI, J.

Supplementary affidavit filed today is taken on record.

Sri Mithilesh Kumar Tiwari, learned counsel for the applicant and Sri S.K. Rai, learned counsel for the private opposite party no. 2 and Sri Pankaj Saxena, learned A.G.A. for the State are present.

The present application under Section 528 of Bharatiya Nagarik Suraksha Sanhita has been filed to quash the orders dated 04.09.2025 and 09.12.2025 passed by Chief Judicial Magistrate, Kanpur Nagar in criminal case, arising out of Case Crime No. 207 of 2025, under Sections 308(2), 308(5), 308(7), 61(2), 231, 338, 336(3), 340(2), 351(3), 329(3) of B.N.S, P. S.- Barra, District- Kanpur Nagar, whereby Non-Bailable Warrant has been issued against the applicant.

Learned counsel for the applicant submits that N.B.W. has been issued against the applicant without submitting the charge sheet in the case, which is against the provision of law and without considering the facts, circumstances and position of law as laid down by the Supreme Court in **State through CBI vs. Dawood Ibrahim Kaskar and others, (2000) 10 SCC 438**. It is further submitted that there is no averment in the application that the applicant is in possession of some relevant evidence and without arresting the applicant relevant evidence can not be disclosed.

Prima facie, matter requires consideration.

Notice on behalf of opposite party no. 1 has been accepted by learned A.G.A.

Learned A.G.A. as well as private opposite party no. 2 may file a counter affidavit within three weeks.

Rejoinder affidavit may thereafter be filed within one week.

Put up on 24.03.2026 as a fresh.

Till the next date of listing, effect and operation of the orders dated 04.09.2025 and 09.12.2025 shall remain stayed against the applicant.

February 12, 2026

MAA/-

(Sanjay Kumar Pachori,J.)