



2026:AHC:56179

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 1465 of 2026

Ram Swaroop Pal Alias Rs Pal And 3 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Rakesh Kumar Dubey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 77

HON'BLE PRAVEEN KUMAR GIRI, J.

1. Heard Sri Rakesh Kumar Dubey, learned counsel for the applicants and learned A.G.A. for the State.

2. Learned counsel for the applicants submits that the present application has been filed for the relief which has been mentioned in the prayer clause of this Application. The prayer clause is delineated below:-

"A. The Hon'ble Court may please to quash the further proceeding of Criminal Case No. 2072 of 2019 (State Vs. R.S. Pal & Ors.) related to Case Crime No. 132 of 1991 U/s 147, 148, 149, 307, 353 IPC at P.S. Shivrajpur, District Kanpur Dehat, pending in the Court of Civil Judge (S.D.)/FTC Kanpur Dehat.

B. The Hon'ble Court may further be please to Stay the order dated 04.12.2014 passed by A.C.J.M. District Kanpur Dehat and consequential order dated 12.09.2025 passed by Civil Judge (S.D.)/FTC, Kanpur Dehat.

C. The Hon'ble Court may please to stay the further proceedings of Criminal Case No. 2072 of 2019 (State Vs. R.S. Pal & Ors.) related to Case Crime No. 132 of 1991 U/s 147, 148, 149, 307, 353 IPC at P.S. Shivrajpur, District Kanpur Dehat, pending in the Court of Civil Judge (S.D.)/FTC Kanpur Dehat, during the pendency of present petition, otherwise the Applicants shall suffer irreparable loss and injury, or to pass any order which this Hon'ble

Court may deem fit and proper on the facts and circumstances of the case in the interest of justice."

3. Learned counsel for the applicants submits that the applicants undertake before this Court that they shall appear before the concerned court and shall fully cooperate in the trial proceedings. It is further submitted that the main record of the case had been missing since 29.09.2021; however, as per order dated 28.10.2025, the original record, including the charge-sheet, has now been traced and placed before the concerned court of Civil Judge (Senior Division)/FTC, District Kanpur Dehat.

4. Learned counsel further submits that the applicants are already on bail and are ready and willing to cooperate with the trial court, and that there is no fault attributable to them. Despite this, non-bailable warrants have been issued against the applicants.

5. On the assurance given by learned counsel for the applicants, learned A.G.A., Shri Shashdhar Pandey, submits that the matter is pending since 1999 and that the charge-sheet has been submitted under Section 307 IPC along with other sections. It is further submitted that the injury was caused to the police personnel which has disturbed the law and order and created chaos in the society. However, if the applicants are willing to cooperate in the trial proceedings, the non-bailable warrants issued against them may be kept in abeyance.

6. Considering the submissions of the parties and in the interest of justice, this Court, in exercise of its inherent jurisdiction under Section 528 of BNSS, directs that the operation of the non-bailable warrants issued against the applicants shall remain stayed, subject to their full cooperation in the trial proceedings.

7. The concerned Judicial Magistrate is directed to ensure compliance with the provisions of Sections 207 Cr.P.C. and to commit the case to the Court of Sessions under Section 209 Cr.P.C., as the offence under Section 307 IPC is triable by the Court of Sessions.

8. It is further directed that no unnecessary adjournment shall be granted to the accused persons unless cogent reasons are furnished. In case the applicants fail to cooperate in the trial proceedings, the concerned court (Magistrate or Sessions Court) shall be at liberty to initiate proceedings under Section 82 Cr.P.C., and also to take steps for cancellation and confiscation of bail bonds and sureties. If bail bonds and sureties are found missing, fresh bail bonds and sureties shall be taken immediately.

9. The non-bailable warrants issued against the applicants and other

accused persons, if any shall remain in abeyance subject to compliance of the undertaking given by the applicants.

10. Accordingly, the application is disposed of.

(Praveen Kumar Giri,J.)

March 18, 2026

DKS