



2026:AHC:57156

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 3530 of 2026

Vishnukant Gupta

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Hariom Kamal Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 78

HON'BLE AVNISH SAXENA, J.

1. Sri Hariom Kamal Singh, learned counsel for applicant and learned AGA for State, are present.

2. Despite notice none appeared for opposite party no. 2.

3. The applicant accused, who is presently 23 years of age was directed by the Juvenile Justice Board for his trial being an adult, invoking Section 15 of the Juvenile Justice [Care and Protection of Children] Act, 2015 (hereinafter referred to as the 'Act'). This order was passed on 25.06.2021 and the case is committed to Children's court. The applicant has assailed the said order before this Court in Criminal Revision No. 2054 of 2021, which was dismissed as withdrawn in order dated 09.08.2024.

4. The present application is filed on 20.01.2026 with the following relief for quashing the Sessions Case No. 288 of 2021 (State Vs. Vishnukant). The relief is reiterated underneath:-

"It is most respectfully prayed that this Hon'ble Court may graciously be pleased to allow the present application and quash the Sessions Case No. 288 of 2021 (State v. Vishnukant Gupta) pending in the court of Ld.

Additional Session Judge/ Special Judge, POCSO, Sonbhadra along with the entire proceedings arising out of Case Crime No. 81 of 2019 under Section 302 IPC registered at Police Station- Kon District- Sonbhadra.

It is further prayed that this Hon'ble Court may graciously be pleased to stay the entire proceedings in Case Crime No. 81 of 2019 under Section 302 IPC registered at Police Station- Kon District- Sonbhadra or may pass such other/ further order, which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case".

5. The relief for quashing of proceeding in Sessions Case is on the ground of non compliance of Section 19 of the Act. Learned counsel submits that there are plethora of judgments on the mandatory compliance of Section 19 of the Act. He has placed reliance on the judgment of ***Hon'ble the Supreme Court in case of Thirumoorthy Vs. State represented by the Inspector of Police*** reported in ***2024 (257) AIC 91; Ajeet Gurjar Vs. The State of Madhya Pradesh*** reported in ***126 (2023) ACC 330***; judgment of Chhattisgarh High Court in case of ***A Vs. State of Chhattisgarh (CRA No. 271 of 2023) decided on 03.07.2025***; judgment of Himachal Pradesh High Court in case of ***A Vs. State of H.P. (Cr. Appeal No. 376 OF 2019) decided on 12.03.2025***; judgment of ***Telangana High Court in case of Mohammad Dastagir Khan Vs. The State of Telangana (Criminal Appeal No. 626 of 2019) decided on 10.04.2025***.

6. On query about the status of the trial the learned counsel submits that the case is fixed for judgment on 20.03.2026.

7. On further query, about the issue which is raised for the first time in this application under Section 528 BNSS has ever been raised before the trial court or the revisional court. Learned counsel has denied taking such ground earlier.

8. This Court is not convinced about the prejudice cause to the accused applicant merely for non compliance of Section 19 of the Act, which is agitated at the completion of trial. Moreover, no useful purpose would be served for issuance of any direction to the trial court at this stage. The application is devoid of merit and misconceived.

9. Hence, the application is **dismissed**.

(Avnish Saxena,J.)

March 19, 2026
Sharad/-