SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			C528/2488/2026 Jagroop Singh --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. S.R.S. Gill and Mr. Milind Raj, Advocates for the applicants. Mr. Dinesh Chauhan, A.G.A. for the State of Uttarakhand. 2. The present C-528 application has been filed seeking to quash the charge-sheet dated 08.08.2023, the cognizance/ summoning order dated 23.09.2023, as well as the entire proceedings of Special Sessions Trial No.26 of 2023, pending before the Court of learned Special Judge (Gangster Act)/2nd Additional Sessions Judge, Rudrapur, District Udham Singh Nagar. 3. Learned counsel for the applicants submits that the gang-chart, on the basis of which the impugned F.I.R. was registered and subsequent proceedings were initiated against the applicants, was not prepared in accordance with the provisions of the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986 and the Rules framed thereunder. It is submitted that Rule 5(3)(c) of the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Rules, 2021, specifically provides that the gang-chart

			shall not include cases in which the accused persons have been acquitted by the Special Court or in which a final report has been submitted after investigation. It is further provided that the gang-chart shall not be approved without completion of the investigation in the base case. 4. Drawing the attention of the Court to the gang-chart, learned counsel submits that three criminal cases have been referred to therein against applicant no.1, who has been described as the gang leader. The first case relates to F.I.R. No.117 of 2022, registered at Police Station Kunda, District Udham Singh Nagar, under Sections 147, 504, 506, 354 and 307 of the I.P.C. It is contended that the gang-chart was prepared and approved on 07.07.2022, whereas the same was filed in the aforesaid case on 26.12.2022. Thus, on the date of preparation and approval of the gang-chart, the investigation in the said case was still pending. Consequently, in view of the provisions contained in Rule 5(3)(c) of the Rules of 2021, the said case could not have been taken into consideration for preparation of the gang-chart. 5. With regard to the other two cases, namely, F.I.R. No.94 of 2026, under Sections 504 and 506 of the I.P.C., registered at Police Station Kunda, District Udham Singh Nagar, and F.I.R. No.89 of 2018, under Sections 323, 504 and 506 of I.P.C., learned counsel submits that closure reports had already been submitted in both the cases and the same had been accepted by the competent Court concerned even prior to the preparation of the gang-chart. Therefore, these cases were also impermissibly included in the gang-chart.

			6. It is further submitted that, so far as applicant nos.2 and 3 are concerned, they have been implicated as members of the alleged gang solely on the basis of their implication in aforsaid F.I.R. No.117 of 2022, which itself could not have been made the basis for preparation of the gang-chart for the reasons stated hereinabove. Thus, the very foundation of the prosecution against the applicants is legally unsustainable. 7. Heard learned counsel for the parties and perused the record. A perusal of the material available on record, particularly the gang-chart, reveals that the same was prepared by taking into consideration three criminal cases against applicant no.1. However, in respect of two of the said cases, closure reports had already been submitted and accepted by the competent Court concerned prior to the preparation of the gang-chart. Further, in respect of the remaining case, namely, F.I.R. No.117 of 2022, the investigation was admittedly pending on the date when the gang-chart was prepared and approved. In view of the specific mandate contained in Rule 5(3)(c) of the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Rules, 2021, the aforesaid cases could not have been taken into consideration in the manner they have been incorporated in the gang-chart. Thus, the gang-chart, which forms the very basis of the prosecution against the applicants, suffers from non-compliance with the mandatory requirements prescribed under the Rules of 2021. It is also relevant to note that the allegations against applicant nos.2 and 3 are founded solely upon their alleged involvement in the aforesaid F.I.R. No.117 of 2022. Once the said case could not have been relied upon for preparation of the gang-chart in

the facts and circumstances of the present case, the inclusion of applicant nos.2 and 3 as members of the alleged gang also becomes legally unsustainable.

8. In view of the aforesaid factual and legal position, this Court is of the considered view that the impugned gang-chart has not been prepared in conformity with the requirements of Rule 5(3)(c) of the Rules of 2021. Since the impugned prosecution is founded upon the said legally defective gang-chart, the continuation of the criminal proceedings against the applicants would not be justified.

9. Consequently, the present criminal misc. application is allowed and the entire proceedings of Special Sessions Trial No.26 of 2023, pending before the Court of learned Special Judge (Gangster Act)/2nd Additional Sessions Judge, Rudrapur, District Udham Singh Nagar, are hereby quashed.

(Alok Mahra, J.)
23.11.2026

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