HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 44199 of 2026

Raju

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Anil Kumar Dubey, Jaswant Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 74

HON'BLE SAMIT GOPAL, J.

1. List revised.

2. No one appears on behalf of the applicants to press this application u/s 528 B.N.S.S. despite the fact that there are two learned counsels appearing in the matter. Sri Ram Prakash Shukla, learned counsel for the State is present.

3. The present application under Section 528 B.N.S.S. has been filed by the applicant- Raju, with the prayer to allow the present application and quash the summoning order dated 09.07.2024 in Complaint Case No. 187 of 2022 (Puja Devi Vs. Raju), under Sections 376 I.P.C. & Section 3/4 POCSO Act & Section 3(2)(v) SC/ST Act, Police Station Sultanpur Ghosh, District Fatehpur, pending in the court of Additional Session Judge/Special Judge (POCSO Act), Fatehpur, with a further prayer that proceedings of the aforesaid case be stayed during the pendency of the present application.

4. On 12.10.2026 the following order was passed by this Court:-

"1. List revised.

2. No one appears on behalf of the applicant to press this application U/s 528 BNSS despite the fact that there are two learned counsels appearing in the matter.

3. Sri Bade Lal Bind, learned counsel for the State is present.

4. Since there is no representation on behalf of the applicant to argue the matter, the present application is dismissed for want of prosecution.

LATER ON

5. After this order was passed, Sri Ashish Kumar, Advocate holding brief of Sri Jaswant Singh, learned counsel for the applicant appears and makes a mention that due to illness Sri Jaswant Singh has not come to Court and prays that the order dismissing in default be recalled and matter be restored and some date may be fixed for arguments. There is one other counsel namely Sri Anil Kumar Dubey who also did not appear when the matter was taken up in the revised list.

6. Prayer is allowed and the order dismissing in default is hereby recalled.

7. Let the matter be listed on 29.10.2026 as fresh."

5. Since today again there is no representation from the side of the applicants despite the fact that there are two learned counsels appearing in the matter, the present application under Section 528 B.N.S.S. is dismissed for non prosecution.

6. Office is directed to communicate this order to the concerned court within a week from today.

7. The records do not show passing of any interim order.

8. Pending application (s), if any, shall stand disposed of.

October 29, 2026
AS Rathore

(Samit Gopal,J.)

Digitally signed by :-
ABHISHEK SINGH RATHOR
High Court of Judicature at Allahabad