HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 42259 of 2026

Ram Kumar

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ajay Kumar Srivastava
Counsel for Opposite Party(s)	:	G.A.

Court No. - 72

HON'BLE DEEPAK VERMA, J.

1. Supplementary affidavit, filed today in Court, is taken on record.

2. Heard learned counsel for the applicant; learned AGA for the State and perused the record.

3. The present application has been filed to quash the impugned order dated 30.7.2026 passed by Additional Civil Judge (J.D.) /judicial Magistrate, Chhibramau, Kannauj in Complaint Case No. 169 of 2022 (Sanjeev kumar Khandelwal versus Ram Kumar)Under sections 323, 387, 504, I.P.C. Police Station Chhibramau, District Kannauj, pending in the court of Additional Civil Judge (J.D.) /judicial Magistrate, Chhibramau, Kannauj.

4. Learned counsel for the applicants submits that the applicant has challenged the order dated 30.07.2026 by which the learned trial court has allowed the application of opposite party no. 2/complainant which had been moved to produce another witness in place of witness Nishakar Pandey as the witness Nishakar Pandey had been threatened by the applicant/accused persons and he was under threat. The learned Magistrate without considering the objection of the applicant in arbitrary manner allowed the application of opposite party no.2 to produce the another witness in place of witness Nishakar Pandey. The order passed by the learned Magistrate is illegal and arbitrary and is liable to be set aside.

5. *Per contra*, learned A.G.A. vehemently opposed the submissions raised by learned counsel for the applicants and submits that there is no illegality in

the order impugned which is just and proper.

6. Considered the submissions raised by learned counsel for the parties and perused the entire record. Section 244 (2) Cr.P.C. provides that the Magistrate may, on the application of the prosecution, issue a summons to any of its witnesses directing him to attend or to produce any document or other thing. The learned Magistrate after considering the objection of the applicant as well as requirement of the witness in the present case and in the interest of justice, allowed the application of opposite party no. 2. No interference is warranted.

7. The application lacks merit and is accordingly, ***dismissed***.

(Deepak Verma,J.)

October 24, 2026
Meenu Singh

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