



IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

ON THE 22nd OF APRIL, 2025

MISC. CRIMINAL CASE No. 31900 of 2024

AKASH

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Prashant Singh Kaurav – Advocate for applicant.

Shri Mohit Shivhare- Public Prosecutor for respondent No.1/State.

ORDER

This petition under Section 528 of B.N.S.S / 428 of Cr.P.C has been filed seeking the following reliefs:-

“It is, therefore, most humbly prayed that this petition may kindly be allowed and

i. Ld. Trial Court be directed that the cognizance of the matter may kindly be taken and learned trial court may kindly be directed to take appropriate action as per law.

ii. It is further requested that the proceedings in initiation to relation of proceedings under Sections 193, 166-A & 218 of IPC may kindly be separated and the trial of the case may kindly be directed to be proceeded with.



- iii. Learned trial court may kindly be directed to conclude the proceedings initiated order dated 27.07.2022 in expedited manner.
- iv. Superintendent of Police, Gwalior may kindly be directed to take cognizance of the matter where under the subordinate is abiding the court's directive and creating hindrance in the administration of the police, or to pass any other suitable or appropriate directing in the matter in the interest of justice.”

2. During the course of arguments, it was stated by counsel for applicant that respondent No. 2, who is a police personnel, has not appeared before the trial Court so far. It is submitted by counsel for the applicant that applicant was abducted. He was badly beaten and a ransom of rupees 10 lakhs was demanded. Later, it was realised by applicant that the statement of applicant which was recorded under Section 161 of Cr.P.C. containing allegations of demand of ransom of Rs. 10 lakhs, was changed by respondent No. 2. Accordingly, the trial Court has issued notice to respondent No. 2, but respondent No. 2 has not appeared before the trial Court, as a result the trial has come to a halt. It is submitted that although respondent No. 2 is appearing before the trial Court in other cases, he has not appeared in the present case.

3. Heard learned counsel for the applicant.

4. It appears that Anand Kumar, Sub-Inspector, is not appearing before the trial Court. Accordingly, Superintendent of Police, Gwalior, is directed to ensure that Anand Kumar, Sub-Inspector, positively appears before the trial court on 13.05.2025.

5. With aforesaid directions, application is finally disposed of.

(G. S. AHLUWALIA)
JUDGE

(and)