

राजीव कृष्णा, IPS
पुलिस महानिदेशक एवं
राज्य पुलिस प्रमुख, उत्तर प्रदेश



मुख्यालय पुलिस महानिदेशक, उ०प्र०

सिग्नेचर बिल्डिंग
शहीद पथ, गोमती नगर विस्तार,
लखनऊ - 226002
फोन नं.: 0522-2724003 / 2390240, फैक्स नं.: 0522-2724009
सीयूजी नं. 9454400101
ई-मेल : police.up@nic.in
वेबसाइट : https://uppolice.gov.in

विषय:- मा० उच्च न्यायालय, इलाहाबाद द्वारा क्रिमिनल मिस. बेल अप्लीकेशन संख्या-13320/2025
राजू वर्मा उर्फ राजीव कुमार वर्मा बनाम उ०प्र० राज्य में पारित आदेश दिनांकित 07.05.2025
तथा समान प्रकृति की अन्य रिट याचिकाओं में दिये गये निर्देशों के अनुपालन के सम्बन्ध में।

प्रिय महोदय/महोदया,

क्रिमिनल मिस. बेल अप्लीकेशन संख्या-13320/2025 राजू वर्मा उर्फ राजीव कुमार वर्मा
बनाम उ०प्र० राज्य सम्बन्धित मु.अ.सं. 64/2025 धारा 112, 318(4), 338, 336, 340(2)
BNSS व धारा 6, 10, 8(3), 13(5) Uttar Pradesh Public Examination (Prevention
of Unfair Means) Act, 1998 थाना-सरायइनायत, प्रयागराज में मा० उच्च न्यायालय इलाहाबाद
द्वारा पारित आदेश दिनांकित 07.05.2025 में उ०प्र० शासन द्वारा निरसित किये जा चुके उ०प्र० परीक्षा
अधिनियम-1998 की धाराओं में प्रथम सूचना रिपोर्ट पंजीकृत किये जाने पर अप्रसन्नता व्यक्त करते हुये
निम्नवत टिप्पणी की गयी है—

Learned counsel for the applicant argued that the accused applicant is innocent. He has been falsely implicated in this very case crime number and is languishing in jail since 01.03.2025. Learned counsel for the applicant submits that applicant has been charged for the offences punishable under Sections 6, 10, 8(3), 13(5) of the Uttar Pradesh Public Examination (Prevention of Unfair Means) Act, 1998. The said U.P. Public Examination Act, 1998 stands superseded by the Uttar Pradesh Public Examination (Prevention of Unfair Means) Act, 2024 and came into force with effect from 15th day of July, 2024. The incident is stated to have been taken place on 10.03.2025 and FIR has been lodged on 10.03.2025. Once, the U.P. Public Examination Act, 1998 stands superseded, a proceedings under the repealed act could not be initiated against the applicant. He has no criminal antecedent and there is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. Hence, bail has been prayed for.

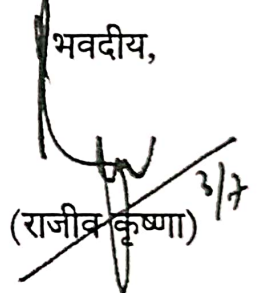
Time and again, it has been brought to the notice of this Court that FIRs are being lodged under the repealed Acts hampering prosecution. The Registrar (Compliance) of this Court is directed to send the copy of this order to the Director General of Police and Director General (Prosecution) for information and necessary action at their end, so that such glaring mistakes are avoided.

2- उ०प्र० शासन द्वारा Uttar Pradesh Public Examination (Prevention of Unfair Means) Act, 2024 दिनांक 15.07.2024 को लागू किया गया है, जिसके फलस्वरूप पूर्व

में प्रभावी Uttar Pradesh Public Examination (Prevention of Unfair Means) Act, 1998 निरसित हो गया है। परीक्षा सम्बन्धी अधिनियम-1998 तथा भारत सरकार अथवा उ०प्र० सरकार द्वारा निरसित अधिनियमों की धाराओं में प्रथम सूचना रिपोर्ट पंजीकृत किया जाना विधिक दृष्टि से त्रुटिपूर्ण है।

3- अतः आप सभी को निर्देशित किया जाता है कि अपने-अपने कमिश्नरेट/जनपद के थाना प्रभारियों तथा पर्यवेक्षण अधिकारियों को मा० उच्च न्यायालय इलाहाबाद द्वारा पारित आदेश दिनांकित 07.05.2025 से भलीभाँति अवगत कराते हुये यह निर्देशित करें कि Uttar Pradesh Public Examination (Prevention of Unfair Means) Act, 1998 एवं भारत सरकार अथवा उ०प्र० सरकार द्वारा निरसित किसी भी अधिनियम में प्रथम सूचना रिपोर्ट पंजीकृत न की जाए। यदि भविष्य में किसी निरसित अधिनियम की धाराओं में अभियोग पंजीकृत करने का दृष्टांत संज्ञान में आता है तो दोषी अधिकारी/कर्मचारी के विरुद्ध नियमानुसार कार्यवाही की जाए।

संलग्नक: यथोपरि।

भवदीय,

(राजीव कृष्णा) 3/7

1. समस्त पुलिस आयुक्त, उत्तर प्रदेश।
2. समस्त वरिष्ठ पुलिस अधीक्षक/पुलिस अधीक्षक, प्रभारी जनपद, उत्तर प्रदेश।

प्रतिलिपि: निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु :—

1. समस्त अपर पुलिस महानिदेशक उ०प्र०, लखनऊ।
2. समस्त जोनल अपर पुलिस महानिदेशक, उ०प्र०।
3. समस्त परिक्षेत्रीय पुलिस महानिरीक्षक / पुलिस उपमहानिरीक्षक, उ०प्र०।

Court No. - 68

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13320 of 2025

Applicant :- Raju Verma Alias Rajiv Kumar Verma

Opposite Party :- State of U.P.

Counsel for Applicant :- Anurag Vajpeyi, Praveen Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Ashutosh Srivastava, J.

Heard Shri Praveen Kumar Singh, learned counsel for the applicant, Sri Yagyavalk Pandey, learned AGA for the State-respondents and perused the record.

This bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been moved on behalf of accused-applicant, Raju Verma Alias Rajiv Kumar Verma, seeking enlargement on bail in Case Crime No. 64 of 2025, under Sections 112, 318(4), 338, 336, 340(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 6, 10, 8(3), 13(5) of the Uttar Pradesh Public Examination (Prevention of Unfair Means) Act, 1998 Police Station- Sarai Inayat, District- Prayagraj.

Learned counsel for the applicant argued that the accused-applicant is innocent. He has been falsely implicated in this very case crime number and is languishing in jail since 01.03.2025. Learned counsel for the applicant submits that applicant has been charged for the offences punishable under Sections 6, 10, 8(3), 13(5) of the Uttar Pradesh Public Examination (Prevention of Unfair Means) Act, 1998. The said U.P. Public Examination Act, 1998 stands superseded by the Uttar Pradesh Public Examination (Prevention of Unfair Means) Act, 2024 and came into force with effect from 15th day of July, 2024. The incident is stated to have been taken place on 10.03.2025 and FIR has been lodged on 10.03.2025. Once, the U.P. Public Examination Act, 1998 stands superseded, a proceedings under the repealed act could not be initiated against the applicant. He has no criminal antecedent and there is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. Hence, bail has been prayed for.

Learned AGA has vehemently opposed the prayer for bail, but

could not dispute the aforesaid facts.

Considering all above facts and circumstances, particularly FIR has been lodged against the applicant under repealed Act, but without commenting on merit of case, a case for bail is made out.

Accordingly, the bail application is **allowed**.

Let the accused-applicant, **Raju Verma Alias Rajiv Kumar Verma**, involved in above mentioned case crime number be released on bail, on his executing a personal bond and two reliable sureties each, in the like amount to the satisfaction of the court concerned, subject to the following conditions:

1. The applicant will not tamper with the evidence.
2. The applicant will not indulge in any criminal activity.
3. The applicant will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.
4. The applicant will appear regularly on each and every date fixed by the trial court, unless his personal appearance is exempted through counsel by the court concerned.

In the event of breach of any of the aforesaid conditions, the court below will be at liberty to proceed to cancel his bail.

Time and again, it has been brought to the notice of this Court that FIRs are being lodged under the repealed Acts hampering prosecution. The Registrar (Compliance) of this Court is directed to send the copy of this order to the Director General of Police and Director General (Prosecution) for information and necessary action at their end, so that such glaring mistakes are avoided.

Order Date :- 7.5.2025

Anjali