Rayyan Ahmad v. State of U.P.

Whether the offence under Section 351(3) BNS is cognizable in Uttar Pradesh and whether the charge-sheet and cognizance can be quashed.

Date of Order: June 12, 2026
Case Law No: GIB-AHC-2026-145
Source: GST INDIA Biz (www.gstindia.biz)

CASE DESCRIPTION / SUMMARY

Background

The applicants sought quashing under Section 528 BNSS of a charge-sheet of 17.07.2025, the summoning order of 15.12.2025 and the proceedings arising from an FIR under Sections 324(4), 352 and 351(3) BNS at Devgaon, Azamgarh, which alleged damage to a public drain and threats. They argued the offence was not cognizable, there was an eight-day delay, no medical report, and a counterblast to earlier complaints.

Final Verdict

The Court held that **the offence under Section 351(3) BNS (corresponding to Section 506 IPC) is cognizable and non-bailable in Uttar Pradesh, by virtue of the 1989 State notification saved by Section 531(2) BNSS**, so the Magistrate rightly proceeded as a State case. The Court said that delay, absence of a medical report, absence of an independent witness and the claim of counterblast require appreciation of evidence and cannot be decided in a mini-trial.

The application was dismissed. Although this is not a GST matter, it settles the cognizability of the offence in the State.

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