



2026:AHC:25085

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Reserved on 19.11.2025

Delivered on 05.02.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 43062 of 2025

Smt. Jyoti Suri

.....Applicant(s)

Versus

State Of U.P. And 2 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Mandvi Tripathi, Santosh Tripathi
Counsel for Opposite Party(s)	:	G.A., Surendra Tiwari

Court No. - 81

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard Shri Santosh Tripathi, learned counsel for the applicant, Shri Surendra Tiwari, learned counsel appearing for the victim of the base case and Shri Prashant Kumar Singh, learned AGA for the State.

2. Present application under Section 528 BNSS has been filed to quash the entire proceedings of the Special Sessions Trial No.2636 of 2025, arising out of Case Crime No.502 of 2024 (State of U.P. vs. Sanjay Suri and Others), under section 2/3 of the U.P. Gangster and Anti Social Activities (Prevention) Act, 1986, Police Station Sihani Gate, District Ghaziabad, pending in the Court of Learned Special Judge (Gangster Act)/Additional District and Sessions Judge, Court no.12, Ghaziabad as well as Chargesheet dated 09.08.2025 and the cognizance/summoning order dated 28.08.2025 issued in the aforesaid proceedings.

3. The brief facts of the case are that the FIR was lodged against the applicant on 23.09.2024, as Case Crime No.502 of 2024, under section 2/3 of the U.P. Gangster and Anti Social Activities (Prevention) Act, 1986 (hereinafter referred to as the 'Gangster Act'), Police Station Sihani Gate, District Ghaziabad. Prior to the registration of the said FIR, a gang chart was prepared on 21.09.2024, wherein, the applicant was shown to be involved in a solitary case i.e. Case Crime No.406 of 2024, under Sections 126(2), 352, 351(2), 308(6) BNS, Police Station Kotwali,

District Ghaziabad and the chargesheet was submitted in the aforesaid Case Crime no.406 of 2024 on 20.09.2024 and the learned Magistrate took cognizance of offence vide order dated 23.09.2024. After submission of chargesheet on 20.09.2024 in the aforesaid Case Crime No.406 of 2024, the gang chart was prepared by the Authorities on 21.09.2024. Thereafter, the investigation was handed over to the Investigating Officer, who submitted chargesheet in the present Case Crime no.502 of 2024 on 09.08.2025 and the court concerned took cognizance vide order dated 28.08.2025.

4. The submission of the learned counsel for the applicant is that in the gang chart detail of only one case has been mentioned and the applicant has already obtained bail in the base case from the court concerned on 23.09.2024. It is also submitted by the learned counsel for the applicant that only on the basis of solitary case, as mentioned in the gang chart, provisions of Gangster Act cannot be initiated and there is clear violation of Rules framed under the U.P. Gangster and Anti Social Activities (Prevention) Gangster Rules, 2021 (hereinafter referred to as the Rules, 2021). It is also submitted by the learned counsel for the applicant that provisions of Rule 5(3)(a) of the Rules, 2021 has not been followed as no joint meeting had taken place. He further pointed out that as per Rule 5(3) (c) of the Rules 2021 the gang chart would not have been approved without the completion of the investigation of the base case.

5. Learned counsel for the applicant next submitted that the provisions of Rule 8(2) of the Rules, 2021 was not followed, wherein, it is mentioned that no unconfirmed or false information would be entered in the gang chart. It is also argued by the learned counsel for the applicant that the provisions of Rule 10 (1) of the Rule, 2021 have also not been followed inasmuch as the certified copy of the chargesheet was not attached alongwith the gang chart. It is also submitted that the authorities at the time of preparation of gang chart have violated Rules 16 and 17 of the Rules, 2021, therefore, the impugned chargesheet dated 09.08.2025 as well as cognizance/summoning order dated 28.08.2025 issued by the Learned Special Judge (Gangster Act)/Additional District and Sessions Judge, Court no.12, Ghaziabad are liable to be quashed.

6. In support of his contention, learned counsel for the applicant has relied upon several judgments of Hon'ble Apex Court as well as this Court, which are as follows:-

(i) Shri Gulam Mustafa vs. State of Karnataka and Another reported in 2023 (18) SCC 265.

(ii) Vinod Bihari Lal vs. State of Uttar Pradesh and Another reported in 2025 SCC OnLine SC 1216.

(iii) Master @ Ramzan and Another vs. State of U.P. through Principal Secretary Home and Others, reported in 2020 LawSuit (All) 826.

(iv) Asim @ Hasim vs. State of U.P. and Another, reported in 2023 0 Supreme (All) 1722.

(v) Mohd. Arif @ Guddu vs. State of UP and 3 Others, Neutral Citation No.2024:AHC:111744-DB.

(vi) Sanni Mishra @ Sanjayan Kumar Mishra vs. State of U.P. and 2 Others, reported in 2024 (1) ADJ 231 (DB).

(vii) Prabhat Patel and Another vs. State of U.P. and 3 Others, Neutral Citation No.2024:AHC:25612 -DB.

7. Per contra, learned AGA for the State as well as learned counsel appearing for the victim of the base case opposed the prayer made by the applicant and submitted that the gang chart was prepared in a joint meeting and after due discussion by the authorities concerned, i.e. Forwarding Authority and the Approving Authority, the joint meeting was held on 21.09.2024. The gang chart was approved by the Commissioner of Police, Ghaziabad on the very same day i.e. on 21.09.2024, therefore, there is no illegality or irregularity in preparation of the gang chart and the same was prepared as per Rule 5(3) (a) of the Rules, 2021.

8. It is further submitted by the learned AGA as well as by the counsel appearing for the victim of the base case that the gang chart was approved after completion of investigation of the base case. The investigation of the

base case i.e. Case Crime No.406 of 2024 was completed on 20.09.2024 and this fact has been mentioned in the gang chart. It is also submitted that the chargesheet of the base case has been appended at page 78 of the application, wherein, date of preparation of chargesheet has been mentioned as 20.09.2024. Thereafter, the gang chart was prepared on 21.09.2024, therefore, there is no violation of Rule 5(3) (c) of the Rules, 2021.

9. It is also submitted by the learned AGA as well as counsel appearing for the victim of the base case that Rule 8 of the Rules, 2021 was also followed. Inasmuch as no unconfirmed or false information was given by the Incharge of police station concerned. The status of the base case has been mentioned in the gang chart dated 21.09.2024, therefore, there is no illegality or irregularity or violation of Rule 8(2) of the Rules, 2021 in preparation of gang chart. It is also submitted that so far as the Rule 10 of the Rules 2021 is concerned, there is no requirement of filing the certified copy of the chargehseet issued by the court concerned and the only requirement is that the chargesheet in the base case would be attached and the provisions of these Rules have been very well dealt with by the Division Bench of this Court in the judgment of **Anil Mishra vs. State of U.P. and 2 Others, decided on 18.10.2025 in Criminal Misc. Writ Petition No.15515 of 2023**, wherein, it has been held that chargesheet, prepared by the Investigating Officer under his signature should be attached and it is nowhere required that it has to be a certified copy having been issued by the court of law. Rule 10 of the Rules, 2021 nowhere says that copy of the chargesheet has to be a copy certified by the court or a certified copy of the chargesheet issued by the court. It is also submitted that compliance of Rules 16 and 17 of the Rules, 2021 has been done. The Commissioner of Police, Ghaziabad approved the gang chart after having considered the relevant papers and the evidence on the same day i.e. 21.09.2024. The competent authority used their independent mind while forwarding the gang chart.

10. It is further submitted that as per Rule 22 of the Rules 2021, provisions of Gangster Act can be imposed on the basis of a single case and the Hon'ble Supreme Court has also held in the case of **Shraddha Gupta vs The State Of Uttar Pradesh** reported in **2022 SCC OnLine**

SC 514, that a person may be prosecuted under the Gangster Act only on the basis of a solitary case. In last, it is prayed that the present application is liable to be dismissed since there is no violation of any Rule of the Rules, 2021.

11. I have heard rival submission of the learned counsel for the parties and perused the records as well as several case laws which were relied on by both the sides.

12. In the case of **Mohd. Arif @ Guddu (supra)** it has been held by Division Bench of this Court that the authorities signed the pre-typed gang-chart and approved the same, which goes to show sheer negligence on the part of Authorities. The judgment of **Mohd. Arif @ Guddu (supra)** was passed in view of the judgment of **Sanni Mishra alias Sanjayan Kumar Mishra (supra)** and **Asim @ Hasim (supra)**. In **Sanni Mishra alias Sanjayan Kumar Mishra (supra)** also the Division Bench of this Court has held that signing of pre-printed proforma is prohibited under Rule 17 (2) of the Gangster Rules, 2021 and the date of filing the chargesheet in the base case was not mentioned in the gang chart though the same is required as per Rule 8(3) of the Rules, 2021. In Paragraph 22 of **Sanni Mishra alias Sanjayan Kumar Mishra (supra)** a direction for preparation of gang chart before lodging of the FIR under the Gangster Act, 1986 was issued by this Court. The Relevant paragraph 22 of the said judgment is reproduced here-under:-

"22. In view of the above, this court lays down following directions for preparation of gang-chart before lodging FIR under the Gangster Act, 1986 :

(i) Date of filing of chargesheet under base case must be mentioned in Column-6 of the gang-chart except in cases under Rule 22(2) of the Gangster Rules, 2021.

(ii) While forwarding or approving the gang-chart, competent authorities must record their required satisfaction by writing in clear words, not by signing the printed/typed satisfaction.

(iii) There must be material available for the perusal of the court which

shows that the District Magistrate before approving the gang-chart had conducted a joint meeting with the District Police Chief and held a due discussion for invocation of the Gangster Act, 1986."

13. On perusal of gang-chart of the present case, it is clear that date of filing the chargesheet in the base case has been written in the gang-chart (appended at page 40) and all the authorities recorded their satisfaction in their own hand writing in a joint meeting after due discussion, therefore, the facts of the present case are entirely different from the case of **Sanni Mishra alias Sanjayan Kumar Mishra (supra), Mohd. Arif @ Guddu (supra) and Vinod Bihari Lal (supra)**, wherein it was held that the authorities will record their satisfaction in a joint meeting after due discussion. The language/satisfaction of the authorities is as per Rule 16 of the Rules, 2021 in the present case.

14. In another judgement **Asim @ Hasim (supra)**, it has been held that at the time of preparation of the chargesheet, the corresponding section 2(b) (i) to (xxv) of the Act, 1986 should be mentioned. The relevant paragraph 9 of the said judgment is reproduced hereunder:-

"9. In the present case, the impugned FIR was registered u/s 3(1) Gangster Act, without mentioning the corresponding provision, mentioning the anti social activities, in which the accused is involved and on the basis of which he was named as gangster. A person cannot be punished without specifying the offence committed by him which would justify his classification as a Gangster. "

15. In the present case chargesheet was submitted by the police under Section 2/3 Gangster Act, 1986 and in the body of the chargesheet it has also been mentioned that the offence of the applicant falls under the definition of Gangster Act, being part of the gang which is indulged in anti social activities as mentioned in Section 2(b) (i) to (xxv) of the Act, therefore, the facts of **Asim @ Hasim (supra)** is entirely different from the facts of the present case.

16. In another judgment of **Master @ Ramzan (supra)**, the first information report was quashed since wrong information was mentioned

in the gang-chart but in the present case, the counsel for the applicant could not show any false/wrong information in the gang-chart.

17. The judgement of Hon'ble Supreme Court in the case of **Gulam Mustafa (supra)** is not related to Gangster Act rather the power of High Court under Section 482 Cr.P.C. has been discussed.

18. The judgment of **Prabhat Patel (supra)** is also not applicable to the facts of the present case since it was held in the aforesaid case that gang-chart was prepared without joint meeting and Rules 8(3), 16 and 17 of Rules, 2021 were not followed. In the present case, all the competent authorities recorded their satisfaction in their own handwriting in a joint meeting after due discussion. Therefore, there is no violation of any aforesaid Rule of the Rules, 2021.

19. In the case of **Ambuj Parag Dubey**, reported in **2022 (4) ACR 3878** the Division Bench of this Court has considered the entire scheme of the Gangster Act and held that in a case, on the materials, the competent authority is convinced and *prima facie* satisfied that a case for prosecution is made out, he may approve the gang chart bypassing discussion with the police officials. But in a case where the competent authority is not convinced or in two mind, on the material placed by the police authorities, the competent authority may necessarily decide to call for a discussion to *prima facie* satisfy himself that prosecution is warranted.. Relevant paragraphs no.27 to 38 and 41 of the said judgement are reproduced as under:-

"27. Chapter-III of Gangster Rules lays down the principles related to Gang Chart. Rule-5 mandates that Incharge of a Police Station/Station House Officer/ Inspector shall prepare a Gang Chart (Form No. 1) mentioning the details of criminal activities of the gang. The Gang Chart will be presented to the district head of the Police after clear recommendation of the Additional Superintendent of Police mentioning the detailed activities in relation of all the persons of the said gang. Sub-rule (2) of Rule 5 provides that the provisions contained therein shall be complied in respect of gang charts. The provision reads thus:

5. (1) To initiate proceedings under this Act, the concerned

Incharge of Police General Rules Station/Station House Officer/Inspector shall prepare a gang-chart mentioning the details of criminal activities of the gang.

(2) The gang-chart will be presented to the district head of police after clear recommendation of the Additional Superintendent of Police mentioning the detailed activities in relation to all the persons of the said gang.

(3) The following provisions shall be complied with in respect of gang-charts:-

a. The gang-chart will not be approved summarily but after due discussion in a joint meeting of the Commissioner of Police/District Magistrate/Senior Superintendent of Police/Superintendent of Police.

b. There may be no gang of one person but there may be a gang of known and other unknown persons and in that form the gang-chart may be approved as per these rules.

c. The gang-chart shall not mention those cases in which acquittal has been granted by the Special Court or in which the final report has been filed after the investigation. However, the gang-chart shall not be approved without the completion of investigation of the base case.

d. Those cases shall not be mentioned in the gang-chart, on the basis of which action has already been taken once under this Act.

e. A separate list of criminal history, as given in Form No. 4, shall be attached with the gang-chart detailing all the criminal activities of that gang and mentioning all the criminal cases, even if acquittal has been granted in those case or even where final report has been submitted in the absence of evidence.

Along with the above, a certified copy of the gang register

kept at the police station shall also be attached with the gang-chart. In addition to the above, the information of crime and gang members mentioned in the gang-chart will also be updated on Interoperable Criminal Justice (ICJS) portal and Crime and Criminal Tracking Network System (CCTNS).

28. Rule 6 provides that while preparing the Gang Chart it shall be clearly mentioned, if the alleged act of the gang falls within the purview of clause (b) of Section 2 of the Act along with relevant provisions, further, sub-rule (2) mandates that the Investigating Officer makes an endorsement to the effect that the accused is causing panic, alarm or terror in public, then evidence shall be collected in this regard. In addition to the above, a list of criminal history may be attached separately in the prescribed format. (Form No. 4)

29. Rule 10 mandates that records of base cases, would accompany the gang chart and Rule 11 mandates that the present status of all the accused, whether they are in jail or on bail or absconding, shall be clearly mentioned. Rule 13 mandates that while writing abstract below the gang chart and particulars of those officials shall be specifically mentioned. Rule 13 is extracted:

13. While writing the abstract below the gang-chart and particulars separately with the gang-chart, the particulars of those offences shall be specifically mentioned:-

i. which have been committed for pecuniary, materialistic and temporal or similar benefits; or

ii. which disturb the public order; or

iii. Which are a ground for detention under the National Security Act, 1980 (Act no. 65 of 1980)

30. Sub-rule 3 of Rule 15 provides that final decision as to whether to include or not to include the name of member of a gang in the gang and gang-chart shall be at the discretion of the Commissioner of Police/District Magistrate, as the case may be.

31. Rule 16 provides the manner and the recommendations to be made while forwarding the gang chart Rule 16 reads thus:

"16. The following manner shall be followed in the forwarding of Gang-Chart:

(1) Forwarding of the gang-chart by the Additional Superintendent of Police: The Additional Superintendent of Police will not only take a quick forwarding action in the case but he will duly peruse the gang-chart and all the attached forms; and when it is satisfied that there is a just and satisfactory basis to pursue the case, only then will he forward the letter along with the recommendation given below on the gang-chart to the Superintendent of Police/Senior Superintendent of Police.

"Thoroughly studies the gang-chart and attached evidence. The basis of action under the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986 exists. Accordingly, forwarded with recommendation."

(2) Forwarding of the gang-chart by the district police in-charge: When the gang-chart along with all the Forms is received by the Senior Superintendent of Police/Superintendent of Police with the clear recommendation of the Additional Superintendent of Police, he will also thoroughly analyze all the facts and when it is confirmed that all the formalities of the Act have been fulfilled and there is a legal basis for taking action in the case, then he should forward the gang-chart to the Commissioner of Police/District Magistrate stating that: "I have duly perused the gang-chart and attached forms and I am fully satisfied that all the particulars mentioned in the case are correct and there is a satisfactory basis for taking action under the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act 1986. Accordingly, approved"

(3) Resolution of the Commissioner of Police/District

Magistrate: When the gang-chart is sent to be the Commissioner of Police/District Magistrate along with all the Forms, all the facts will also be thoroughly perused by the Commissioner of Police/Districts Magistrate and when he is satisfied that the basis of action exists in the case, then he will approve the gang-chart stating therein that: "I duly perused the gang-chart and attached Forms in the light of the evidence attached with the gang-chart, satisfactory grounds exist for taking action under the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986. The gang-chart is approved accordingly."

It is noteworthy that the words written above are only illustrative. There is no compulsion to write the same verbatim but it is necessary that the meaning of approval should be the same as the recommendations written above, and it should also be clear from the note of approval marked."

32. Satisfaction of the competent authority only means that the competent authority must be in fact satisfy and not a dishonest satisfaction, which will be no satisfaction at all. The satisfaction contemplated by the Gangster Rule is satisfaction in point of fact on the materials placed before the competent authority. The satisfaction of the competent authority referred to under the Rule is not with respect to the allegations levelled against the gangster but the satisfaction is confined to those allegations that the accused can be prosecuted under the Gangster Act. Whatever may be the nature of charge against the accused, the satisfaction of the competent authority should be with regard to that the materials placed before him and the nature of the accused indulging in community antisocial activities. It is expedient to sanction prosecution under the Gangster Act.

33. The expression satisfied is much narrower than "application of mind". The competent authority is not to apply his mind and satisfy himself as to whether the material placed before him would be sufficient for convicting the accused under the Gangster Act. The satisfaction is confined within a

narrow domain based on the materials placed before the competent authority, the authorities forwarding the gang chart is satisfied that the accused should be prosecuted under the Gangster Act. The expression satisfaction is not satisfaction on evidence but a prima facie satisfaction based on the representations of the nodal authority and the district police that the accused should be prosecuted under the Gangster Act.

34. Rule 17 mandates that the competent authority is bound to exercise its own independent mind while forwarding the gang chart and should not be on a pre-printed rubber seal gang chart. Rule 17 reads thus:

"17 (1) the Competent Authority shall be bound to exercise its own independent mind while forwarding the gang-chart.

(2) A pre-printed rubber seal gang-chart should not be signed by the Competent Authority; otherwise the same shall tantamount to the fact that the Competent Authority has not exercised its free mind."

35. Rule 18 provides that gang chart shall be sent only in the manner as given in Form No. 1 of these rules.

36. Rule 17 and 18 would have to be read together. Gang chart has to be sent in the prescribed Form No. 1. The endorsement to be made by each of the authorities have also been specified in Rule 16. The rule itself prescribes and mandates a printed Form. Rule 17 merely mandates that the competent authority while approving the gang chart should not be swayed by the recommendation of the police authorities mechanically but should satisfy himself independently that the grounds for prosecution is made out. The satisfaction at that stage is subjective and does not rest upon any evidence. The competent authority has to satisfy that the materials placed with the gang chart calls for prosecution. The stage of collecting evidence follows thereafter. The scope of judicial review is miniscule, the accused cannot challenge the FIR without challenging the gang chart. The question as to whether the antisocial activities of the proposed accused is that of a gang or gangster is a matter of investigation.

37. Rule 22 clarifies and specifies that a single act/omission will also constitute an offence under the Act and a first information report must be registered on the basis of a single case. Rule 22(1) reads thus:

"22(1) A single act/omission will also constitute an offence under the Act, and First Information Report may be registered on the basis of a single case i.e., it is not mandatory that any criminal history must be recorded and alleged before registering an offence under the Act."

38. Further, sub-rule (2) of Rule 22 necessarily provides prosecution on certain class of cases, on a single offence which includes Section 302, 376D, 395, 396 or 397 of Indian Penal Code out of the offences mentioned in sub-clause (i) or clause (b) of Section 2 of the Act.

41. The submission of the learned counsel for the petitioners that there was no 'discussion' by the competent authority with the police officers before approving the gang chart would not be fatal to the prosecution of the petitioners. The expression 'discussion' has to be followed mandatorily by the competent authority in every case does not follow from reading of the Rule, though the rule employs the word 'shall'. The Gangster Rule nowhere mandates the consequence of not following 'discussion' by the competent authority. In our opinion the rule mandating discussion is directory. It is left to the discretion of the competent authority, having regard to the material placed before him for approval of the gang chart. In a case, on the materials, the competent authority is convinced and prima facie satisfied that a case for prosecution is made out he may approve the gang chart bypassing discussion with the police officials. But in a case where the competent authority is not convinced or in two mind, on the material placed by the police authorities, the competent authority may necessarily decide to call for a discussion to prima facie satisfy himself that prosecution is warranted. The FIR that follows the approval of the gang chart cannot be faulted or quashed merely for want of discussion."

20. Another Division Bench of this Court in the case of Narendra Kumar vs. State of U.P. and 3 Others, passed in Criminal Misc. Writ

Petition No.15487 of 2023, decided on 04.10.2023 has followed the judgment of **Ambuj Parag Dubey (supra)**. The relevant paragraphs no.11 to 17 are reproduced as under:-

"11. Applying the aforesaid principles there can be no two opinions that the words "the gang chart shall not be approved within the completion of investigation of the base case" are hardly open for any other interpretation as the words are plain and unambiguous and admits only one meaning and should be read as it is. Once this statutory mandate is taken as such the requirement of 'certified copy' of gang chart (or recovery memo) can safely be held or interpreted to be only 'procedural' in nature and only mandate of Rule 10 of the Rules would be that a copy certified by any competent person (which is being discussed in subsequent paragraphs) shall be attached with the gang chart. Any other interpretation of Rule 5(3)(c) read with Rule 10 of the Rules would frustrate the purpose and object of enactment of the Act and the Rules framed thereunder.

12. We, therefore, find that as the only requirement of law as per the above quoted Rule 5(3)(c) is that there should be a completion of the investigation of the base case before approval of the gang-chart, and the same had clearly been done in the present case. Therefore, filing or non-filing of the charge-sheet in the court concerned before preparation of the gang chart is immaterial and that the only requirement is that the charge-sheet should be available with the concerned authority before approval of the gang-chart.

13. In the present case of the petitioner herein Narender Kumar, at the cost of repetition, it is highlighted that date of completion of investigation is 6.2.2023; the process of approval of the gang chart started on 17.3.2023 and the approval of the gang-chart was given by the Commissioner of Police, Gautam Budh Nagar on 20.3.2023, hence there is no violation of Rule 5(3)(c) of the Rules.

14. Insofar as violation of Rule 10 of the Gangster Rules is concerned, submission is that there should exist a certified copy of the charge-sheet at the time of making draft gang chart. We find that the charge-sheet has been prepared by the Investigating Officer under his signatures and the investigation had already been concluded before preparation of the gang chart. We are of the opinion that there should be a copy duly certified by the Officer only, who is having control over the document and it is nowhere required that it has to be a certified copy having been issued by the court of law. Rule 10 of the Rules, 2021 nowhere says that copy of the charge-sheet has to be a copy certified by the Court or a certified copy of the charge-sheet issued by the Court. Submission of charge-sheet in the Court is not a prerequisite of Rule 10 of the Rules.

15. As the intention of the legislature is that the provision of Gangster Act can be imposed after completion of the investigation, therefore, it can be safely concluded that the copy of the charge-sheet or the recovery memo duly certified by the competent authority or the authority having control

over such document i.e. Investigating Officer are sufficient for the said purpose. In this regard, a reference may be made to Rule 22 of the Rules, 2021, also heading whereof itself provides that criminal history is not mandatory and sections of the Gangster Act can be imposed in the course of investigation of any base case, falls under category of certain offence mentioned in Rule 22 (2) of the Rules, 2021.

16. The controversy has already been decided by Hon'ble Apex Court in the case of Shraddha Gupta vs The State Of Uttar Pradesh decided on 26 April, 2022 in Criminal Appeal No. 569-570 of 2022 that the provisions of Gangster Act can be imposed on the basis of a solitary case.

17. In addition, the object of enacting the Gangster Act and the Rules framed thereunder may also be taken note of, which are noted as under:

Of the Act:

"An act to make special provision for the prevention of, and for coping with, gangsters and anti-social activities and for matters connected therewith or incidental thereto."

Of the Rules:

In exercise of the powers conferred by Section 23 of the Uttar Pradesh Gangster and Anti-Social Activities (Prevention) Act, 1986 (U.P. Act No. 7 of 1986) read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. 1 of 1904) and in suppression of all Government Orders and Notifications made under the Uttar Pradesh Gangster and Anti-Social Activities (Prevention) Act, 1986 (U.P. Act No. 7 of 1986), except as respect things done or omitted to be done before such suppression, the Governor is pleased to make the following rules with a view to provide for a speedy and transparent procedure to punish gangsters, to establish an efficient recovery system in respect of property of gangsters and incidental benefits acquired by them through crimes and acts related therewith."

21. Even, in the judgment of Division Bench of this Court in **Anil Mishra (supra)**, the provisions of the Gangster Act have been again discussed and it was noted that there was no violation of any provisions of the Gangster Act and the Gangster Rules. So far as the violation of Rule 10 of the Rules, 2021 is concerned, submission is that there should exist a certified copy of the chargesheet at the time of making draft of gang chart. I find that the chargesheet has been prepared by the Investigating Officer under his signature in the base case on 20.09.2024 and the investigation had already been completed before preparation of the gang chart on 21.09.2024. Therefore, the gang-chart was prepared as per Rule 5(3) (c)

of the Rules, 2021.

22. Therefore, there should have been a copy duly certified by the officer only who is having control over the document and it is nowhere required that it has to be a certified copy having been issued by the court of law. Rule 10 of Rules, 2021 nowhere says that copy of the chargesheet has to be a copy certified by the court. Therefore, there is no violation of Rules 10(1) of the Rules, 2021. Submission of charge-sheet in the court is not a prerequisite of Rule 10(1) of the Rules, 2021.

23. At this stage, the Court deems it appropriate to explain the requirement of attaching certified copy of the charge-sheet as per Rule 10. To appreciate this, Rule 60 of the Rules of 2021 needs thoughtful consideration and is quoted hereinbelow:-

"60. Certified copies shall be primary evidence- Notwithstanding anything to the contrary contained in any other Act, in the trial of cases under this Act the criminal cases included in the gang-chart and the FIRs mentioned in the list can be proved by the Officer certifying the certified copy of the charge-sheet. No original form shall be required for the same and the facts contained in the Forms so proved shall be deemed to be proved unless it is rebutted by any evidence to the contrary."

24. Significantly, Rule 60 finds place in Chapter-8 of the Rules with a heading-General Rules of Trial. The Rule clearly reflects that certification of a charge-sheet is associated with the police officer, however, it clearly and unambiguously relates to trial of cases under the Act and the role of the officer has been assigned only to prove the certified copy of the charge sheet during the course of trial itself. Therefore, proving certified copy of the charge-sheet has nothing to do with preparation or approval of the gang-chart at the initial stage of proceedings, rather Rule 60 would come into application during the course of trial and that would certainly begin when the charge-sheet is submitted before the court concerned and cognizance is taken thereon, otherwise, trial cannot begin. The language used in Rule 60 is clear and unambiguous, i.e., certifying the certified copy of the chargesheet and not certifying the cahrgesheet itself. Therefore, Rule 60 would come into play at that stage when gang-chart

alongwith certified copy issued by the competent Court is already filed before the Trial Court and the police officer is called upon during the course of trial to certify that certified copy of the charge-sheet. Hence, it cannot be said that Rule 60 would empower the police officer to certify the charge-sheet itself during the course of investigation so as to satisfy the requirement of Rule 10 which casts mandatory duty upon police officer to compulsorily attach the certified copy of the charge-sheet alongwith gang-chart.

25. The Court has got the occasion to go through certain judgements pronounced by esteemed co-ordinate benches of our Court where necessity of attaching certified copy of the charge-sheet has been discussed. In the judgements dated **31.05.2023**, **02.05.2023** and **28.08.2023** passed in **Criminal Misc. Writ Petition Nos.5202 of 2023 (Manoj Maurya vs. State of U.P. and another)**, **19638 of 2022 (Binni Lala @ Vinod Kumar Jain vs. State of U.P. and 3 others)** and **12808 of 2023 (Rahul Saxena @ Bhola/Bholu vs. State of U.P. and 3 others)** respectively, the Co-ordinate Benches of this Court have dealt with Section 76 of the Indian Evidence Act, 1872 (hereinafter referred to as 'the Act of 1872') and have observed that it is not the requirement of law, particularly, Rule 10 of the Rules of 2021, to attach certified copy of the charge-sheet obtained from the court concerned, rather the certification made by the public officer in whose custody of public document remains, would suffice, provided requirements of Section 76 are satisfied.

26. It was also argued by the learned counsel for the applicant that the provisions of Rule 8(2) of the Rules, 2021 were not followed and false information was entered in the gang-chart. On being confronted, the counsel for the applicant could not point out as to what false information was mentioned in the gang-chart. Therefore, in the opinion of this Court, no false information is mentioned in the gang chart.

27. Rule 22 of the Rules, 2021 also makes it clear that criminal history is not mandatory and sections of the Gangster Act can be imposed in the course of investigation of any base case, falls under category of certain offences mentioned in Rule 22 of the Rules, 2021. The controversy has already been decided by the Hon'ble Apex Court in the case of Shraddha

Gupta (supra) that the provisions of the Gangster Act can be imposed on the basis of a solitary case.

28. In para 37 of **Shraddha Gupta (supra)** it has been held by the Hon'ble Apex Court that even on the basis of a single case Gangster Act can be imposed, which is quoted as under:-

"Now so far as the main submission on behalf of the accused that for a single offence/FIR/charge sheet with respect to any of the anti- social activities, such an accused cannot be prosecuted under the Gangsters Act, 1986 is concerned, on a fair reading of the definitions of 'Gang' and 'Gangster' under the Gangsters Act, 1986, it can be seen that a 'Gang' is a group of one or more persons who commit/s the crimes mentioned in the definition clause for the motive of earning undue advantage, whether pecuniary, material or otherwise. Even a single crime committed by a 'Gang' is sufficient to implant Gangsters Act on such members of the 'Gang'. The definition clause does not engulf plurality of offence before the Gangsters Act is invoked."

29. Needless to say that Gangster Rules, 2021 have been considered in great detail in **Ambuj Parag Dubey (supra)** and the manner in which satisfaction is to be recorded has been laid down, therefore, in view of the judgment of **Ambuj Parag Dubey (supra)**, I find that in the present case satisfaction has been recorded as per Rules, 2021 and Form-I of the Gangster Act, which provides the format of the gang chart. I, therefore, find that the satisfaction was recorded by the authorities in the manner as per the provisions of the Rules, 2021 and it cannot be said that satisfaction was not recorded in accordance with the Rules, 2021.

30. From the discussion made hereinabove. I, therefore, find that the present application is devoid of merit and is accordingly **dismissed**.

31. No order as to costs.

(Vivek Kumar Singh,J.)

February 5, 2026

Nitendra