

ITEM NO.18

COURT NO.2

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Criminal) No(s). 56/2026

JAIDEEP KUMAR SRIVASTAVA

Appellant(s)

VERSUS

THE STATE OF U.P. & ORS.

Respondent(s)

FOR ADMISSION

IA No.37518/2026-EXEMPTION FROM FILING O.T.

Date : 13-02-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH

HON'BLE MR. JUSTICE SANDEEP MEHTA

For Appellant(s) : Mr. Sudhir Naagar, AOR
Mr. Arun Kumar Nagar, Adv.
Mr. Manohar Naagar, Adv.
Mr. Roop Chaudhary, Adv.
Ms. Savita, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. The present writ petition under Article 32 of the Constitution of India (hereinafter referred to as "the Constitution") has been filed by the petitioner, who claims to be a victim's legal heir, seeking enforcement of the fundamental rights guaranteed under Articles 14 and 21 of the Constitution on the ground that three connected criminal revision petitions, in which judgment was reserved by the High Court of Judicature at Allahabad on 05.02.2020, have not been listed for effective hearing and no judgment has been pronounced

till date, thereby stalling the criminal trial arising out of Case Crime No. 68 of 1994. The petitioner further seeks directions for implementation of the judgment dated 15.07.2024 passed by this Court in Criminal Appeal No. 2914 of 2024, whereby the High Court was required to re-evaluate and decide the pending criminal revision petitions concerning withdrawal of prosecution in respect of the remaining accused.

2. The facts giving rise to the present writ petition are as follows:

2.1 On 30.05.1994, Case Crime No. 68 of 1994 came to be registered at Police Station Charkhi, Sub-District Kalpi, District Jalaun, for offences punishable under Sections 147, 148, 149, 302 and 307 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC"). The petitioner asserts that the incident resulted in the death of two persons, including a family member of the petitioner, and that several others sustained injuries.

2.2 The case against nine accused persons was committed to the Court of Sessions in the year 1995 and was registered as Sessions Trial No. 17 of 1995. The case of another accused, who is stated to have been absconding, was committed in the year 2004 and was registered as Sessions Trial No. 66 of 2004. The petitioner states that both trials were subsequently taken up together as they arose out of the same incident.

- 2.3 During the pendency of the trial, the State Government issued a Government Order dated 16.04.2008 proposing withdrawal of prosecution in respect of one accused, namely Chhotey Singh.
- 2.4 An application under Section 321 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "CrPC") was moved on 27.01.2012 seeking withdrawal of prosecution against Chhotey Singh. Thereafter, a modified Government Order dated 29.02.2012 was issued, and a fresh application under Section 321 of the CrPC was moved on 05.03.2012 seeking withdrawal of prosecution in respect of the remaining accused persons as well.
- 2.5 By a common order dated 19.05.2012, the Trial Court allowed withdrawal of prosecution in respect of Chhotey Singh and rejected the prayer for withdrawal in respect of the remaining accused persons.
- 2.6 Aggrieved by the order dated 19.05.2012, the remaining accused persons preferred Criminal Revision No. 1678 of 2012, Criminal Revision No. 1874 of 2012 and Criminal Revision No. 1900 of 2012 before the High Court of Judicature at Allahabad. The predecessor-in-interest of the petitioner also preferred Criminal Revision No. 2107 of 2012 challenging the part of the order dated 19.05.2012 by which withdrawal of prosecution was permitted in favour of Chhotey Singh.
- 2.7 The petitioner states that during the period between 2016 and 2019, the trial court proceeded with the

evidence and other steps in the trial. It is further stated that a Transfer Application (Criminal) No. 114 of 2019 filed by one of the accused before the High Court of Judicature at Allahabad was dismissed on 20.05.2019, and the trial court was directed to expedite the trial.

2.8 The three criminal revisions filed by the accused, namely Criminal Revision No. 1678 of 2012, Criminal Revision No. 1874 of 2012 and Criminal Revision No. 1900 of 2012, were heard together and judgment was reserved on 05.02.2020. The petitioner asserts that an order of stay of the trial proceedings has continued thereafter.

2.9 The petitioner further states that, notwithstanding the passage of several years after 05.02.2020, no judgment has been pronounced in the aforesaid criminal revision petitions, and that the stay has had the effect of preventing the trial court from proceeding further with the trial.

2.10 In the meantime, proceedings arising out of Criminal Revision No. 2107 of 2012 reached this Court by way of SLP (Crl.) No. 16417 of 2023, which was disposed of by judgment dated 15.07.2024 in Criminal Appeal No. 2914 of 2024. The petitioner states that this Court decided Criminal Revision No. 2107 of 2012 on merits, and further directed that a copy of the order be sent to the Registry of the High Court of Judicature at Allahabad, with an observation that the High Court shall, thereafter, re-evaluate and decide the remaining

criminal revision petitions relating to withdrawal of prosecution.

2.11 The petitioner states that, in pursuance of the judgment dated 15.07.2024, a supplementary affidavit was filed before the High Court of Judicature at Allahabad placing the said judgment on record, and multiple listing applications were moved. It is also stated that a letter was addressed to the Registrar General of the High Court requesting that the matters be listed.

2.12 The case status of Criminal Revision No. 1678 of 2012, Criminal Revision No. 1874 of 2012 and Criminal Revision No. 1900 of 2012 was checked by us on the official website of the High Court of Judicature at Allahabad, and the last listing shown therein is dated 04.02.2026, on which date the matters were again adjourned.

2.13 On these pleadings, the petitioner asserts that the continued pendency of the criminal revision petitions, coupled with the subsisting stay, has resulted in the criminal trial remaining at a standstill, and has led to the present writ petition seeking time-bound disposal of the pending criminal revision petitions and compliance with the directions contained in the judgment dated 15.07.2024 passed by this Court.

3. At the outset, it is necessary to record that this Court does not ordinarily entertain petitions under Article 32 of the Constitution seeking directions in relation to the listing, hearing or disposal of matters pending

before a High Court. The extraordinary jurisdiction of this Court is to be exercised with great circumspection, for this Court is not intended to function as a supervisory forum over the day to day administration of justice in every High Court, nor does it sit to monitor the manner in which rosters are worked or cases are taken up. Interference at that level would undermine the constitutional position of the High Courts and disturb the settled discipline of judicial hierarchy. It is only in rare and exceptional situations, where continuing inaction is shown to result in a demonstrable infringement of fundamental rights and where no equally efficacious remedy is available, that this Court may be called upon to exercise its jurisdiction to secure the effectiveness of constitutional guarantees.

4. Article 139A of the Constitution vests this Court with the power to withdraw, and in appropriate cases to transfer, proceedings pending before High Courts. The text of Article 139A reads as follows:

"139A.

(1) Where cases involving the same or substantially the same questions of law are pending before the Supreme Court and one or more High Courts or before two or more High Courts and the Supreme Court is satisfied on its own motion or on an application made by the Attorney-General of India or by a party to any such case that such questions are substantial questions of general importance, the Supreme

Court may withdraw the case or cases pending before the High Court or the High Courts and dispose of all the cases itself:

Provided that the Supreme Court may after determining the said questions of law return any case so withdrawn together with a copy of its judgment on such questions to the High Court from which the case has been withdrawn, and the High Court shall on receipt thereof, proceed to dispose of the case in conformity with such judgment.

(2) The Supreme Court may, if it deems it expedient so to do for the ends of justice, transfer any case, appeal or other proceedings pending before any High Court to any other High Court."

5. Article 139A(1) of the Constitution is intended to secure coherent and effective adjudication where the same or substantially the same questions of law arise in proceedings pending before this Court and before one or more High Courts. The provision enables this Court to withdraw the case or cases pending before the High Court and to dispose of all such cases itself when the questions of law are substantial and of general importance. The object is to ensure that a matter which raises questions of systemic significance is not left to travel through multiple layers in a fragmented manner, and that the determination of such questions is rendered with uniform authority.

6. In the present proceedings, the record discloses that the continuance of Criminal Revision No. 1678 of 2012, Criminal Revision No. 1874 of 2012 and Criminal Revision No. 1900 of 2012 before the High Court has had a direct and continuing bearing on the petitioner's assertion of denial of speedy justice. The revisions were heard and judgment was reserved on 05.02.2020. No judgment has been pronounced thereafter and the proceedings have remained in a state of repeated listing and adjournment. Moreover, the case status of these matters reflected that the matters were last listed on 04.02.2026 and were again adjourned. The subsisting stay has, as pleaded, prevented the Trial Court from proceeding, with the result that criminal proceedings arising out of an incident of 30.05.1994 have remained stalled for decades.

7. The judgment of this Court dated 15.07.2024 in Criminal Appeal No. 2914 of 2024 has already examined the manner in which the application under Section 321 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "CrPC") was dealt with in relation to accused Chhote Singh, and has set aside the order dated 19.05.2012 insofar as it permitted withdrawal of prosecution against him. The said judgment also records grave concern about the stagnation of trial proceedings and the impact of repeated adjournments, and it requires that the remaining criminal revision petitions relating to withdrawal of prosecution be re-evaluated and decided in the light of the observations made therein. The remaining revisions pending before the High Court cannot

be decided without giving full effect to the legal and constitutional observations contained in the judgment dated 15.07.2024 and to the discipline that flows from Articles 141 and 144 of the Constitution.

8. In these circumstances, the questions that arise are not confined to the private interests of parties in a pending revision. They implicate the effective enforcement of binding directions of this Court, the constitutional requirement of timely adjudication after a matter is heard and judgment is reserved, and the credibility of criminal process in serious offences where long delay itself produces irreversible prejudice. These are questions of substantial and general importance. Article 139A(1) of the Constitution therefore furnishes the constitutional mechanism by which this Court may withdraw the connected criminal revision petitions to itself and decide them, so that the adjudicatory process is not rendered illusory by prolonged pendency and that the mandate of the judgment dated 15.07.2024 is carried to its logical conclusion in an effective and time bound manner.

9. In view of the above, we are issuing notice to the Respondents in this Writ Petition and summoning the records of the following matters with necessary directions.
 - i) In exercise of the powers under Article 139A(1) of the Constitution, Criminal Revision No. 1678 of 2012, Criminal Revision No. 1874 of 2012 and

Criminal Revision No. 1900 of 2012 pending before the High Court of Judicature at Allahabad are withdrawn to this Court for disposal and tagged with this writ petition.

- ii) The Registrar General, High Court of Judicature at Allahabad shall transmit to the Registry of this Court the complete record of the aforesaid criminal revisions, including all interlocutory applications and orders passed therein, within a period of three weeks from today. If the original record of Sessions Trial No. 17 of 1995 and Sessions Trial No. 66 of 2004 is presently requisitioned by and lying with the High Court, the Registrar General shall ensure that the original trial record is returned to the Trial Court within three weeks from today. The High Court may retain authenticated copies for the purposes of the record being transmitted to this Court.

10. Upon receipt of the record, the Registry of this Court shall, after obtaining due orders of the Hon'ble Chief Justice of India, place the withdrawn criminal revisions along with this writ petition before an appropriate Bench of this Court.

(NEETU KHAJURIA)
ASSISTANT REGISTRAR-CUM-PS

(RANJANA SHAILEY)
ASSISTANT REGISTRAR