

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 5359 OF 2025
(Arising out of SLP(Criminal)No.16823 of 2025)

LALJI MISHRA & ORS.

... APPELLANTS

VS.

STATE OF UTTAR PRADESH & ANR.

... RESPONDENTS

ORDER

1. Leave granted.
2. The appellants are aggrieved against the impugned order dated 12th March, 2025 passed by the High Court of Judicature at Allahabad, Lucknow Bench, Lucknow in Application u/s 482 No.2202 of 2025, whereby the prayer made by them for clubbing of trials in two cases bearing (i) CNR No.UPBH010004892011 (Session Trial No.188 of 2011 arising out of Case Crime No.506 of 2009) and (ii) CNR No.UPBH040134022019 (Case No.18 of 2018), was rejected. The reason for getting the aforesaid two trials clubbed is that both the FIRs arise out of the same incident. These are the cross versions of both the parties.
3. This Court while issuing notice in the present case, recorded the following contention of learned counsel for the appellants:

“In this case, the prayer is made for clubbing of the main case arising out of FIR No.506 of 2009 along with the cross FIR, namely, FIR No.506-A of 2009.

The incident allegedly happened on 29th June, 2009. Charge-sheet was filed in the main case as well as in the cross FIR got registered by the petitioners. The main case is fixed at the stage of hearing final arguments, as the trial is complete. As far as cross case is concerned, which is triable by the Magistrate, the trial is yet to commence.

The petitioners filed an application for clubbing of both the cases, as according to them, the main FIR as well as the cross case is the result of the same incident.

Learned counsel for the petitioners submitted that they will not cross-examine any of the witnesses whose statements have already been recorded in Session Trial No.188 of 2011.”

4. Learned counsel for the respondents submitted that they do not have any objection in case the interim order passed by this Court on 15th October, 2025 is made absolute and trial of both the cases is clubbed.

5. After hearing learned counsel for the parties and considering the stand taken by them, we allow the present appeal while setting aside the impugned order passed by the High Court and direct clubbing of CNR No.UPBH040134022019 pending in

the Court of 11-Additional Chief Judicial Magistrate, Bahraich, Uttar Pradesh and CNR No.UPBH010004892011 pending in the Court of the 3rd Additional District and Sessions Judge, Bahraich, Uttar Pradesh. The case pending before the 11-Additional Chief Judicial Magistrate, Bahraich, Uttar Pradesh shall stand transferred to the Court of 3rd Additional District and Sessions Judge, Bahraich, Uttar Pradesh. Both shall be tried together. The Session trial is stated to be at the stage of arguments whereas in the magisterial trial, the proceedings are yet to commence.

5.1 Learned counsel for the appellants has undertaken that they will not summon or cross-examine any witness in the Session Trial where the evidence has already been concluded and the matter is at the stage of arguments. As the evidence in the magisterial trial is yet to begin, the appellants shall have their rights to cross-examine the prosecution witnesses produced therein or produce their own evidence in defence.

5.2 The judgment in the Session Trial and the trial which is yet to commence shall be pronounced together by the Court concerned.

6. Before parting with the order, we are constrained to observe total lapse on the part of the prosecution and the parties as well, to point out pendency of trial of the cross case in another

Court and let the proceedings in one case reach at the stage of arguments whereas the evidence is yet to start in the cross case.

7. We direct that in future, in all cases, where cross cases are registered or the cases, which have link with the same incident, the information thereof shall be furnished in the Chargesheet/Challan/Final Report, whenever the same is filed in Court. This will enable the Court concerned to take appropriate steps, and get the trials in those cases clubbed, if required. The process will save criminal justice system from creating an anomalous situation and also check delays.

8. Pending application(s), if any, shall also stand disposed of.

.....J.
(RAJESH BINDAL)

.....J.
(MANMOHAN)

NEW DELHI;
December 09, 2025.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 16823/2025

[Arising out of impugned final judgment and order dated 12-03-2025 in A482 No. 2202/2025 passed by the High Court of Judicature at Allahabad, Lucknow Bench]

LALJI MISHRA & ORS.

Petitioner(s)

VERSUS

THE STATE OF U.P. & ANR.

Respondent(s)

(IA No. 258070/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 09-12-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE MANMOHAN

For Petitioner(s) :

Mr. Kushagra Pandey, AOR
Mr. Ved P. Singh, Adv.
Ms. Ankita Gupta, Adv.
Mr. R.C Shukla, Adv.

For Respondent(s) :

Mr. Namit Saxena, AOR
Ms. Divyangi Gupta, Adv.
Mr. Kirtivardhan Singh, Adv.

Mr. Vishal Arun Mishra, AOR
Ms. Rupali Panwar, Adv.
Mr. Ashok Sharma, Adv.
Mr. Sandeep Mehta, Adv.
Mr. Avinash Kumar Singh, Adv.
Mr. Dinesh Kumar, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application shall also stand disposed of.

(ANITA MALHOTRA)

AR-CUM-PS

(NIKITA SINGH)

COURT MASTER

(Signed order is placed on the file.)