

ITEM NO.1

COURT NO.13

SECTION II

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

PETITION FOR SPECIAL LEAVE TO APPEAL (CRIMINAL) NO.2238/2025

[Arising out of Impugned Final Judgment and Order dated 21-11-2024 in CRLA No.11108/2024 passed by the High Court of Judicature at Allahabad]

PRATAP SINGH

...PETITIONER

VERSUS

STATE OF UTTAR PRADESH & ORS.

...RESPONDENTS

[IA No.32820/2026 - CANCELLATION OF BAIL
IA No.29123/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No.112360/2025 - EXEMPTION FROM FILING O.T.
IA No.29120/2025 - EXEMPTION FROM FILING O.T.]

DATE : 12-03-2026 This matter was taken up for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner :

Mr. Dhananjai Jain, AOR
Mr. Anurag Mishra, Adv.
Mr. Bhoop Singh, Adv.
Mrs. Omita Unnarkar, Adv.

For Respondents :

Ms. Rajdipa Behura, Sr. Adv.
Dr. Vijendra Singh, AOR
Ms. Sthavi Asthana, Adv.
Mr. Aniket Tiwari, Adv.

Mr. Sanjay Hegde, Sr. Adv.
Mr. Pankaj Singhal, Adv.
Ms. Ashima Gupta, Adv.
Mr. Chandan Kashyap, Adv.
Ms. Harshita Raj, Adv.
Mr. Anant Singh Tomar, Adv.
Mr. Ankit Tiwari, Adv.
Mr. Monu Kumar, Adv.
Mr. Ayush Anand, AOR

O R D E R

Heard learned counsel and learned senior counsel for the respective parties. This Order shall be read in continuation of the Orders dated 10.12.2025 and 10.02.2026 passed in this petition.

CONTEXT

2. At the outset, learned counsel for the petitioner placed before us an Order dated 09.03.2026 [2026:AHC:47570] passed by a learned Single Judge of the High Court of Judicature at Allahabad¹ in Criminal Misc. Clarification Application No.02 of 2026 in Criminal Appeal No.11855 of 2025. The said Criminal Misc. Clarification Application was filed by the petitioner seeking clarification as to whether the Order dated 19.12.2025 [2025:AHC:229451] passed by the said Court in Criminal Appeal No.11855 of 2025 (*Maloo v State of U.P. and Another*) was also applicable to the co-accused and was not restricted only to accused-Maloo, who had filed the said Criminal Appeal. The operative extract from the Order dated 19.12.2025 states:

'34. In view of the above, the instant criminal appeal is allowed. The impugned cognizance/summoning order dated 20.03.2023 passed by the Special Judge (SC/ST Act), Gautam Budh Nagar in Sessions Trial No. 364 of 2023 (State vs. Maloo & others), the charge-sheet/Supplementary Charge sheet, and

¹ Hereinafter referred to as the 'High Court'.

the entire criminal proceedings arising out of Case Crime No. 280 of 2022, under Sections 420, 467, 468, 471, 384, 120-B LPG and Section 3(1)(f) of the SC/ST Act, Police Station Dadri, District Gautam Budh Nagar stand quashed.'

3. The Order dated 09.03.2026 *supra* is reproduced hereunder:

'Criminal Misc. Clarification Application No. 02 of 2026

This application has been filed seeking clarification of the order dated 19.12.2025 passed by this Court in Criminal Appeal No. 11855 of 2025 (Maloo Vs. State of U.P. and Another). The present application is stated to have been filed by the intervenor/complainant-appellant, on whose complaint the FIR in the instant matter was lodged after a preliminary inquiry conducted on the basis of the said complaint.

Today, learned counsel for the applicant as well as learned AGA appearing for the State are present. Learned counsel for the appellant is not present.

I have gone through the order dated 19.12.2025 passed by this Court as well as the affidavit filed in support of the present clarification application.

Since the order dated 19.12.2025 was passed after hearing learned counsel for the parties, the present clarification application is misconceived and, accordingly, the same is dismissed.' (sic)

BACKGROUND

4. The instant controversy had arisen when the learned Trial Court, on an argument by co-accused Sheetla Prasad (as noted in the Trial Court's Order dated 23.12.2025),

urging that as the First Information Report², Cognizance/Summoning Order dated 20.03.2023, Charge-sheet/Supplementary Charge-Sheet and entire criminal proceedings arising from Case Crime No.280/2022 stood quashed by the High Court's Order dated 19.12.2025 in the Criminal Appeal preferred by accused-Maloo, the benefit thereof should also enure to the said accused, called upon the prosecution to assist on/clarify the issue.

5. We are at a loss to understand as to why the learned Trial Court considered it necessary to seek assistance from the prosecution on the above issue. In our considered opinion, a perusal of Order dated 19.12.2025, especially Paragraphs No.16, 18, 21, 23, 24, 31 and 34 (where only Sessions Trial No.364/2023 is mentioned), affords no manner of doubt that the said Order was passed only in respect of accused-Maloo. The cited paragraphs would clearly demonstrate that the learned Single Judge, *vide* Order dated 19.12.2025, considered the matter *vis-à-vis* the accused-Maloo alone. As such, there was no occasion for the learned Trial Court to call upon the prosecution in this backdrop.

PETITIONER'S SUBMISSIONS

6. The petitioner, through learned counsel, has

² Hereinafter referred to as the 'FIR'.

contended that a specific ground was taken in the aforementioned Criminal Misc. Clarification Application asserting that when, in the pending matters of the co-accused (emanating from the same FIR) described *infra*, no final order(s) had been passed, there was no scope for any interpretation except that the Order dated 19.12.2025 was an order *in personam*, and not an order *in rem*. It was urged that, as such, the co-accused could derive no benefit therefrom. It was submitted that individual matters filed by the co-accused, even as on date, are pending in the High Court, as shown on the Case Status tab on the High Court's official website.

OBSERVATIONS AND DIRECTIONS

7. We are even more surprised and unable to appreciate as to why the learned Single Judge, who had passed the Orders dated 19.12.2025 and 09.03.2026, held the Criminal Misc. Clarification Application to be '*misconceived*'. On one hand, it is clear that Criminal Appeal(s)/Application(s) under Section 482 of the Code of Criminal Procedure, 1973³/Criminal Misc. Writ Petition(s) filed by the co-accused were pending before the High Court, as categorically submitted by the learned counsel for the petitioner; whereas, on the other hand, the learned Single Judge refused to clarify

³ Hereinafter referred to as the 'Code'.

the position, especially in the background where the learned Trial Court harboured a confusion apropos the applicability, or not, of the Order dated 19.12.2025 *qua* the co-accused.

8. We find the non-consideration of the prayer for clarification, that too by a non-speaking and unreasoned order, to be absolutely erroneous. The learned Single Judge appears to have abdicated the responsibility of clarifying the situation, whereby confusion was created, or at least, sought to be created, by the co-accused before the learned Trial Court. More so, as noted above, Criminal Appeal(s)/Application(s) under Section 482 of the Code/Criminal Misc. Writ Petition(s) filed by the co-accused were pending consideration in the High Court. At this juncture, we refrain from further commenting on the Order dated 09.03.2026 only in the interest of judicial propriety.

9. Yet, we do ordain in the fitness of things, that the Order dated 19.12.2025 would operate only in respect of and to the advantage of accused-Maloo. We have not expressed any opinion on the legality or otherwise of the Order dated 19.12.2025 and challenge thereto, if any, will be considered on its own merits.

10. Thus, Order dated 06.02.2026 passed by the learned Trial Court i.e., the learned Special Judge, SC/ST Act,

Gautam Budh Nagar in Sessions Trials No.364/2023, 1448/2022 and 1137/2023 emanating from Case Crime No.280/2022, Police Station Dadri, District Gautam Budh Nagar, Uttar Pradesh is quashed, having been passed under a fundamental misconception of law. Resultantly, the Sessions Trials are revived against all the accused, except Maloo.

11. In the above wake and as a necessary sequel, the application seeking recall of the Trial Court's Order dated 06.02.2026 is dismissed as infructuous.

12. We would also observe that the learned Trial Court ought not to raise, or permit to be raised, issues of interpretation unnecessarily, as such exercises may cause delay and miscarriage of justice.

13. It is seen from the Report dated 03.01.2026 of the learned Trial Court that proceedings in Sessions Trial No.364/2023 have been stayed by the High Court through Order dated 06.11.2023 in Application under Section 482 of the Code No.41226/2023. The record also demonstrates that 8 separate petitions [Criminal Appeal(s)/ Application(s) under Section 482 of the Code/Criminal Misc. Writ Petition(s)] are pending in the High Court, emanating from the underlying FIR. In the circumstances, we request the learned Chief Justice, High Court of Judicature at Allahabad to assign the said petitions to

any learned Judge/Bench, other than the learned Single Judge who has passed the Orders dated 19.12.2025 and 06.02.2026, for hearing without being influenced by the said Orders. The nominated learned Judge/Bench may also consider whether the stay of Sessions Trial No.364/2023 is to be continued or not, after affording a hearing to the concerned accused-applicants in Application under Section 482 of the Code No.41226/2023. We further request the nominated learned Judge/Bench to make an endeavour to decide and dispose of the said petitions, on their own merits, within 3 months from the date of nomination by the learned Chief Justice. Depending on the outcome of the said petitions, the learned Trial Court to act accordingly.

14. The Registry to immediately transmit the instant order to the learned Trial Court and the High Court through the learned Registrar concerned of the High Court.

FURTHER COURSE OF ACTION

15. This Court enquired from respondent no.1-State as to what measures had been initiated in light of the allegations in the FIR to the effect that 300 *bighas* of land in Gautam Budh Nagar was bought out by pressurizing poor farmers belonging to the underprivileged strata of society. Learned senior counsel for the State of Uttar

Pradesh fairly sought time to obtain proper instructions from the concerned authorities in order to assist the Court. We find her request reasonable and are inclined to allow the same.

16. Accordingly, as prayed for, the matter be listed Top of the Board on 17.03.2026. On that date, we would expect to be apprised on: (i) actions/steps taken by the State towards restoring any land, which may allegedly have been bought at throw-away prices by purported land mafia from poor farmers hailing from weaker sections, to them, and; (ii) whether any Sale Deed(s)/like document(s) of alleged land transactions have been cancelled/moved to be cancelled.

17. *Ex abundanti cautela*, be it noted that our opinion on the merits of the allegations contained in the FIR is only a tentative expression.

(POOJA SHARMA)
AR-CUM-PS

(ANJALI PANWAR)
ASSISTANT REGISTRAR