

ITEM NO.11

COURT NO.16

SECTION II

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

Petition(s) for Special Leave to Appeal (Crl.) No(s). 2639/2026

[Arising out of impugned judgment and order dated 21-11-2025 in Appn.u/s 528 BNSS No. 46159/2025 passed by the High Court of Judicature at Allahabad]

PADAMDEO PATHAK & ORS.

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondent(s)

Date : 29-04-2026 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE K.V. VISWANATHAN
HON'BLE MR. JUSTICE VIJAY BISHNOI

For Petitioner(s) Mr. Bhuwan Raj, AOR
Ms. Manju Savita, Adv.
Mr. Subhangam Padhy, Adv.
Mr. Ashutosh Rana, Adv.
Mr. Anubhav Mehrotra, Adv.

For Respondent(s) Ms. Srishti Singh, AOR
Ms. Shweta Yadav, Adv.

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

1. The present petition calls in question to the correctness of the order dated 21-11-2025 in Application U/S 528 BNSS No.46159/2025 passed by the High Court of Judicature at Allahabad.
2. By the said order the High Court has declined the prayer of the petitioners on the ground that the petitioners has resorted to filing a second application for quashment under Section 482 of the Code of Criminal Procedure without any fresh ground whatsoever.
3. When the Special Leave Petition came up for hearing before us on 16.02.2026, Mr. Bhuwan Raj, learned counsel for

the petitioners drew attention to the fact that cases against the other co-accused arising out of the same FIR have been quashed on the ground of violation of Article 21 of the Constitution of India.

4. Learned Counsel for the petitioners submitted that the petitioners had also moved the High Court, seeking quashment of the trial against them for violating Article 21 of the constitution of India. However, they were denied relief merely because an earlier quash petition filed a year before, had been dismissed.

5. We issued notice to the respondents and stayed the proceedings against the petitioners.

6. The matter, thereafter, was taken up on 13.04.2026, where we directed the state to file an appropriate affidavit explaining why the trial is pending for the past 19 years and why till the date of the order, not a single witness had been examined.

7. On behalf of the State of Uttar Pradesh, a detailed affidavit has been filed on 28.04.2026 setting out the background of the case, and as to how the proceedings cannot be quashed on the ground of delay alone. According to the State, the case arose out of irregularities in the implementation of the Sampoorna Gramin Rojgar Yojana, 2002 (for short, 'SGRY'), a rural employment scheme under which public works were undertaken through Panchayati Raj institutions. Under the scheme, labourers, engaged in such work, were compensated through a combination of cash and food

grains in lieu of the work performed.

8. The affidavit sets out that FIR bearing Case Crime No.57B/2006, pertained to the alleged irregularities, in the implementation of the aforesaid scheme, within Vikas Khand, Reoti, District Ballia, Uttar Pradesh.

9. The affidavit also set out the manner of functioning of the scheme through a flow chart explaining how the work was to be carried at three levels - the Village Panchayat/Block Panchayat/District Panchayat. The affidavit sets out the overall incharge of the scheme and the responsibility entrusted with the officials for carrying out the works, the proportion of allocation of funds and food grains and so on.

10. The affidavit further states that the petitioners occupied position central to the implementation of the scheme in the concerned district and their approval was essential for withdrawal and disbursement of funds (Petitioner No. 1).

11. It further sets out that Petitioner No. 2 was the Gram Vikas Adhikari/Village Development Officer associated with the execution of works and preparation of muster rolls, forming the basis of payments.

12. Petitioner No.3- the Assistant Development Officer was involved in the implementation process at the Block Panchayat level.

13. Dealing with irregularities it sets out that there were deviations from prescribed guidelines in execution of works, preparation and maintenance of muster rolls and consequent disbursement of funds and food grains. Discrepancies were

noticed in the recording, and in the distribution process.

14. The affidavit states that in this FIR alone, misappropriation amounting to Rs. 41,20,600/- in cash and Rs.32,12,340/- food grains for the period 2002 to 2005 was noticed.

15. At this stage, it must be pointed out that in all, 51 FIRs as stated by Mr. Bhuvan Raj, learned counsel for the petitioners.

16. Reverting back to the affidavit, the affidavit states that though 130 accused persons were named in the FIR, Charges were found sustainable against 39 persons. Out of these 5 accused persons have since expired, and departmental proceedings were initiated against two. The result was charge sheet has been filed against 32 accused persons and summons was issued to 29 accused persons, including the present petitioners *vide* order dated 10.11.2023 in Special Trial No.823 of 2023 titled as "State vs. Kaushal Kumar Ojha & Ors."

17. Dealing with the delay, the State submits that the delay was attributable to the scale and complexity of the investigation and not attributable to any *mala fide* intent or deliberate inaction on the part of investigating agency. It is also averred that there are 51 cases arising out of the implementation of SGRY scheme across different Vikas Khand/Development Blocks in District Ballia, Uttar Pradesh, each involving distinct works, records and accused persons.

18. The State submits that from the very outset, when the

investigation was entrusted to the Economic Offences Wing (for short, 'EOW') on 19.07.2006 there was delay on the part of the custodians of records in furnishing relevant documents, thereby rendering the initial process of collection, tracing, and retrieval of records, a time consuming exercise. The State submits that voluminous records had to be scrutinized, statements recorded and administrative approvals, including sanction to prosecute, had to be obtained. It is averred that the investigation on behalf of the EOW culminated with the submission of the last progress report in 2011 followed by administrative processing and grant of sanction at different stages between the years 2013 and 2018. State submits that multiplicity of cases, large number of accused persons and staggered sanctions necessarily contributed to the time taken in filing of charge sheet in the year 2019 and supplementary charge sheet in the year 2022 with cognizance thereafter being taken in the year 2023.

19. It is submitted that though there has been delay, this was not a case where the trial and the proceedings could have been quashed only on the ground of the time taken.

20. Dealing with the orders of the High Court of Allahabad, in some cases, where proceedings were quashed, in matters arising out of the present set of FIRs, the State has the following explanation to offer:-

"10. It is further respectfully submitted that the orders passed by the Hon'ble High Court, whereby proceedings in certain connected matters arising out

of the same scheme have been quashed specifically the orders dated 28.10.2025 in "Girish Pandey vs. State of U.P. & Ors." and dated 17.11.2025 in "Dr. Daya Ram Vishwakarma vs. State of U.P. & Ors.", including other orders which have been placed on record by the Petitioners themselves as Annexures to the present Special Leave Petition are presently under active consideration by the Respondent-State, and appropriate Special Leave Petitions are in the process of being filed to assail the said orders in accordance with law."

21. At this stage, Mr. Bhuvan Raj, learned counsel for the petitioners handed over a chart in Court today setting out that there were 26 other orders pertaining to certain accused persons where the High Court has quashed proceedings on the ground of denial of speedy trial. Three such orders are annexed with the additional documents. We have perused the said order. The said chart is taken on record.

22. At this stage, Ms. Srishti Singh, learned counsel appearing for the State undertakes that Special Leave Petitions, as already decided by the State, would be filed, not only against the cases set out in para 10 of the additional affidavit, but in all cases where the proceedings have been quashed on the ground of alleged denial of speedy trial. We find that all the orders that have been brought to our notice, are passed on three dates cumulatively, i.e. 17.09.2025, 28.10.2025 and 16.12.2025. Ms.Srishti Singh, learned counsel for the State submits that the State would also find out, if there are any other orders and take

appropriate steps to remedy the situation.

23. We have *prima facie* of the opinion that a very serious issue has been approached by the State with a lackadaisical attitude. Ms. Singh, learned counsel for the State undertakes that corrective action will be taken on a war footing and within the next three weeks' as already decided, Special Leave Petitions would be filed. It is only appropriate that the present Special Leave Petition be heard along with the proposed Special Leave Petitions where the State in a solemn affidavit has undertaken to file.

24. List the matters together on 25th May, 2026, subject to appropriate orders of Hon'ble the Chief Justice of India.

25. Till the next date of hearing, the interim order granted earlier on 16.02.2026 by this Court in the present Special Leave Petition, shall continue.

(NIRMALA NEGI)
ASTT. REGISTRAR-cum-PS
Chart is attached with the RoP

(MANOJ KUMAR)
COURT MASTER (NSH)