



2026:AHC:129188-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL WRIT-PUBLIC INTEREST LITIGATION No. - 10 of 2026

Lal Chand Yadav

.....Petitioner(s)

Versus

State of U.P. and others

.....Respondent(s)

Counsel for Petitioner(s) : Dharmraj Chaudhary, Santosh Kumar Verma
Counsel for Respondent(s) : G.A.

Court No. - 64

**HON'BLE J.J. MUNIR, J.
HON'BLE ARUN KUMAR, J.**

1. This Criminal Misc. P.I.L. has been instituted by the petitioner Lal Chand Yadav in public interest with a prayer that a mandamus be issued directing the respondents/authorities to recall the orders dated 13.08.2025 and 27.08.2025 granting bail and ordering stay of conviction and sentence in Criminal Appeal No. 7280 of 2022 and send Criminal Appeal No. 7280 of 2022 before the jurisdiction of the MP/MLA Court to be decided by that Court in the interest of justice.

2. The relief that is sought by the petitioner in this petition is, to say the least, outrageous. Nevertheless, it is the duty of the Court to consider any matter brought before it, whatever be the cause of action and whatever the relief. Here, what we find is, that whatever be the basis for the petitioner to think that the bail granted to respondent no. 5 ought be cancelled, we cannot look into the merits of the case considering the kind of jurisdiction that he has invoked and the relief he has sought.

3. Bail was granted *vide* order dated 13.08.2025 to respondent no. 5 by a Division Bench of this Court in Criminal Appeal No. 7280 of 2022. It is apparently a criminal appeal from an order of conviction recorded in a case under Section 302 IPC by the Sessions Court. By the next order dated 27.08.2025, which the petitioner wants to be recalled like the order dated 13.08.2025, has been passed by the same Division Bench. By this order, the 5th respondent's sentence has been suspended during pendency of the appeal modifying the earlier order, granting bail simplicitor.

4. Now the petitioner seeks our *mandamus* directing the respondents-authorities, who are the State of U.P., the Senior Superintendent of Police, Azamgarh, the Station House Officer, P.S. Shahganj, District Jaunpur and the Station House Officer, P.S. Phoolpur, District Azamgarh to recall the bail order and order suspending the sentence passed by a Division Bench of this Court in a criminal appeal.

5. We live in a society, where knowledge of laws has become scanty with the advent of disciplines of sciences overtaking the awareness and general knowledge of citizens about other matters. Understanding of the law is at an all-time low. There is intense occupation with other disciplines to the extent that things are said and done outside the Court, which are monstrosities to any person trained in the law. The problem here is, that this petition has been filed through learned Counsel about whom the presumption is that the raw facts brought to his notice would be honed into a legally presentable case before the Court. The learned Counsel, however, has succumbed to the petitioner's demand and made a prayer that we should issue a *mandamus* to the State of U.P. represented by the Principal Secretary (Home Affairs), the Senior Superintendent of Police, Azamgarh, the Station House Officer, P.S. Shahganj, District Jaunpur and the Station House Officer, P.S. Phoolpur, District Azamgarh to recall the orders of bail and suspension of sentence granted in a criminal appeal by a Division Bench of this Court. The reason for our earlier remarks is that it does not require a profound training in the law, if there is general awareness that this kind of a direction is so absurd that the prayer should never have been put in pen and ink. For whatever reason the learned Counsel has not only drafted the petition, but made that prayer. The reasons would be best known to him.

6. The other part of the prayer is, that Criminal Appeal No. 7280 of 2022, where the Division Bench has admitted the appeal and granted bail as well as suspended the sentence should be sent for hearing to the jurisdiction of the MP/MLA Court. Now the MP/MLA Courts are establishments in the Court of Sessions specifically assigned and notified to hear cases against public representatives. A criminal appeal to this Court is preferred from an order of conviction made by the Court of Sessions. There is no way that a criminal appeal can be sent to the

MP/MLA Court, which is essentially a Court of Sessions. Both the prayers that have been made before this Court are so shocking that we are of opinion that these do not deserve even the contempt of this Court.

7. Nevertheless, since the kind of a prayer has been made on behalf of the petitioner, who seems to have prevailed over the learned Counsel, two in number, to bring it before the Court, we cannot permit him to go unscathed.

8. This petition is, accordingly, **dismissed** with costs of Rs. 50,000/- recoverable from the petitioner, which shall be deposited by him within a period of **fifteen days** with the learned Registrar General of this Court. In the event, the costs are not deposited, the learned Registrar General shall take immediate steps to recover the same as arrears of land revenue. The costs once received, shall be remitted to the High Court Legal Services Authority without delay.

9. Let this order be placed before the learned Registrar General by the Office by **Monday i.e. 29.06.2026**.

(Arun Kumar, J.) (J.J. Munir, J.)

June 25, 2026

Deepak