

ITEM NO.21

COURT NO.1

SECTION X

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

SUO MOTO WRIT PETITION(CRIMINAL) No(s).1/2025

IN RE: ORDER DATED 17.03.2025 PASSED BY THE HIGH COURT OF JUDICATURE AT ALLAHABAD IN CRIMINAL REVISION NO. 1449/2024 AND ANCILLARY ISSUES

IA No. 128724/2025 - APPROPRIATE ORDERS/DIRECTIONS WITH

Diary No(s). 15692/2025 (II)

IA No. 81038/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Diary No(s). 21813/2025 (II)

FOR ADMISSION and I.R.

IA No. 129934/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 129933/2025 - PERMISSION TO FILE PETITION (SLP/TP/WP/..)

Date : 08-12-2025 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JOYMALYA BAGCHI

Ms. Shobha Gupta, Sr. Adv.

Mr. Aditya Ranjan, AOR

Ms. Siny Sara Varghese, Adv.

For Petitioner(s) Mr. H.S. Phoolka, Sr. Adv.

Mr. Bhuwan Ribhu, Adv.

Ms. Rachna Tyagi, Adv.

Ms. Shashi, AOR

Mr. Saksham Maheshwari, Adv.

Ms. Taruna Panwar, Adv.

Ms. Surpreet Kaur, Adv.

Mr. Prashant Padmanabhan, AOR

By Courts Motion

For Respondent(s) Mr. Sharan Dev Singh Thakur, Sr. A.A.G.

Ms. Ruchira Goel, AOR

Mr. Siddharth Thakur, Adv.

Mr. Sharanya, Adv.

Ms. Ritika Rao, Adv.

Ms. Ayushi Srivastava, Adv.

Mr. Sharan Dev Singh Thakur, Sr. A.A.G.

Ms. Ruchira Goel, AOR
Mr. Siddharth Thakur, Adv.
Mr. Sharanya, Adv.
Ms. Ritika Rao, Adv.
Ms. Ayushi Srivastava, Adv.

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

1. At the outset, it is pointed out by learned State counsel that the accused persons have been duly served by the State agencies on two occasions, i.e., on 09.04.2025 and 06.12.2025. However, they have chosen not to appear and contest these proceedings.
2. Mr. H.S. Phoolka, learned Senior Counsel for the complainant in SLP (C) D.No.15692/2025 points out that the accused persons are actively participating in the trial proceedings as they have been enlarged on regular bail on 06.11.2025. This shows that the accused persons are fully aware of the proceedings pending before this Court.
3. The State may, through the local Police Station, give final information to the respondents-accused re: pendency of these proceedings, with liberty to them to join such proceedings on the next date of hearing. However, it is made clear that the matter shall not be adjourned further for the purpose of service or for interim appearance by the accused persons.
4. Ms. Shobha Gupta, learned Senior Counsel, and other learned counsel/Senior Counsel, who have entered appearance as an *amicus* or otherwise, are requested to give brief notes of submissions on the next date of hearing. The Registry is directed place the paperbooks of SLP(Crl.)....D.No.53641/2025 also along with this matter.
5. Meanwhile, with a view to ensure that no prejudice is caused to the victim, the operation of the impugned judgment, passed by the High Court, shall remain stayed. This would necessarily mean that if the Trial Court wishes to proceed, it shall proceed on the premise that the respondents have been summoned to face trial under Section 376 along with Section 511 IPC

and Section 18 of the POCSO Act. This shall, however, be without prejudice to the defense plea that may be taken by the accused persons before the Trial Court. Further, the Trial Court shall understand that we have not expressed any final opinion as to whether or not the respondents-accused are guilty of committing the offence under Section 376 IPC read with the other provisions referred to above.

I.A.No.128724/2025

1. Ms. Shobha Gupta, learned Senior Counsel, representing the applicant further points out that similar unfortunate observations have been made by various High Courts in different orders, which she has placed on an illustrative basis. On this premise, it is urged by learned Senior Counsel/counsel for the parties that it is high time that this Court lays down certain guidelines owing to the sensitivity of the issue and keeping in view the severe adverse impact likely to be caused on the victims of the crime, their family, and the society at large.

3. Post the matter for comprehensive consideration on 10.02.2026(NMD).

4. Owing to the importance of the issue involved, we request learned Attorney General for India and learned Solicitor General of India that one of them may also assist the Court on the date fixed.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
ASSISTANT REGISTRAR