

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.236 OF 2020  
(Arising out of S.L.P.(Criminal) No.9297 of 2017)

KRISHAN GOPAL TOSHNIWAL & ORS. ... APPELLANT(S)

VS.

THE STATE OF U.P. & ANR. ... RESPONDENT(S)

O R D E R

1. Leave granted.
2. Learned counsel for the appellants at the stage of issuance of notice itself had pointed out that on the same day 102 orders had been passed in different cases almost like a format. A number of them were placed before us which itself give credence to what is being stated by the appellants.  
2. We are conscious of the fact that at times the courts may be having similarity of cases which are large in number but then that cannot result in a formatted orders being issued by just substituting the facts.
3. Thus without looking into the merits of the disputes, we are inclined to set aside the impugned order and remit back to the High Court for consideration on merits. The matter naturally be placed before a Judge other than the one who has passed the impugned order. The order be brought to the notice of the Hon'ble Chief Justice of the High Court.

5. The interim order passed by this Court would continue till the High Court re-examines the matter, making it clear that it is not a reflection on the merits of the controversy one way or the other.

6. The appeal is accordingly allowed.

.....J.  
[SANJAY KISHAN KAUL]

.....J.  
[K.M. JOSEPH]

New Delhi;  
February 7, 2020.

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 (Cr1.) No(s). 9297/2017

(Arising out of impugned final judgment and order dated 21-08-2017 in Appln. under Section 482 No. 26263/2017 passed by the High Court of Judicature at Allahabad)

KRISHAN GOPAL TOSHNIWAL &amp; ORS.

Petitioner(s)

VERSUS

THE STATE OF U.P. &amp; ANR.

Respondent(s)

Date : 07-02-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. Rajiv Tyagi, AOR  
Mr. Satymev S., Adv.For Respondent(s) Mr. Aviral Saxena, Adv.  
Mr. Sarvesh Singh Baghel, AOR  
Mr. V.Mishra, Adv.Mr. Anil Kumar Sangal, AOR  
Mr. Siddharth Sangal, Adv.  
Mr. Nilanjani Tandon, Adv.  
Ms. Jyoti Rani, 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, if any, shall also stand  
disposed of.(ANITA MALHOTRA)  
COURT MASTER(ANITA RANI AHUJA)  
COURT MASTER

(Signed order is placed on the file.)