2026:AHC:207614

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 39811 of 2026

Vipin Kumar

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Namman Raj Vanshi
Counsel for Opposite Party(s)	:	G.A., Rahul Singh Dahiya

Court No. - 76

HON'BLE SAURABH SRIVASTAVA, J.

1. Heard Mr. Namman Rajvanshi, learned counsel for applicant and Sri Rahul Singh Dahiya, learned counsel for opposite party no.2 as well as learned AGA for State.

2. At the very outset, learned counsel for opposite party no.2 made a preliminary objection in respect of prayer sought through instant application for quashing order dated 26.02.2026 passed by learned Additional Session Judge, Court No.7, Bulandshahr in Criminal Revision No.504 of 2025 (Indrapal Singh vs. State of U.P. and Others) arising out of Case No.3463 of 2019, in which discharge application preferred at the behest of applicant along with other accused has been rejected vide order dated 20.11.2025. Learned counsel for opposite party no.2 further submitted that the instant application has been preferred although by same applicant, whose discharge application has been rejected vide order dated 20.11.2025, but the instant applicant was not the person who preferred Criminal Revision No.504 of 2025, which is apparent from the title of the case, which is crystal clearly reflecting name of other co-accused i.e. Indrapal Singh.

3. Learned counsel for applicant fairly submitted that it is a clerical mistake which is apparent on the face of record and at the same time crystal clear from para-1 of the order dated 26.02.2026 passed by learned Additional Session Judge, Court No.7, Bulandshahr, wherein order which impugned Criminal Revision No.504 of 2025 is the order dated 20.11.2025 passed over application for seeking discharge preferred at the behest of applicant along with other co-accused.

4. After hearing both the learned counsels, it is apparent that the mistake clerical in nature is not at all admissible to be perpetuated criminal proceedings since every accused having distinct identification in accordance with his name and the same shall be determining factor to the proceedings warranted under the statute.

5. By bare perusal of the memo of criminal revision, it is apparent that co-accused Indrapal put his signature on each and every pages of the memo of criminal revision and it is the Indrapal who preferred criminal revision and as such the same cannot be accepted that the criminal revision preferred for challenging the order dated 20.11.2025 has to be taken as preferred at the behest of applicant.

6. The remedy lies in favour of applicant is still to be invoked by way of preferring criminal revision for challenging order dated 20.11.2025 before appropriate forum of law and further proceedings shall be dependent upon final adjudication of the same in pursuance of above proceedings.

7. In view of above, the instant application is hereby **disposed of** in terms of the remedy extended in favour of applicant.

8. However, it is also clarified that the prayers made through instant application shall also be admissible before this Court, if in any case applicant aggrieved with the adjudication of the liberty extended herein above.

October 5, 2026
Saif

(Saurabh Srivastava,J.)

Digitally signed by :-
SHAIKH SAIF ABDIN
High Court of Judicature at Allahabad