



2026:AHC:56416

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 6847 of 2026

Girja Shankar Dubey

.....Applicant(s)

Versus

State Of U.P. And 2 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ram Raj Pandey, Shubham Pandey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 75

HON'BLE SAURABH SRIVASTAVA, J.

1. Heard Sri Ram Raj Pandey, learned counsel for the applicant and learned AGA, for the State.
2. The instant application has been filed by the applicant with a prayer to quash the summoning order dated 24.10.2025 as well as entire proceedings of Special Session Trial No. 898 of 2025 (State Vs. Daya Shankar Singh and others) arising out of Case Crime No. 134 of 2012, under Sections 409, 420, 467, 468, 471, 477A, 120B and 34 IPC, Police Station Barsathi, District Jaunpur pending in the court of Additional District & Session Judge/Special Judge (Prevention of Corruption Act), Special Court No.3, Varanasi.
3. Learned counsel for the applicant submits that the instant application is being pressed on the sole ground that investigation of the case continued for more than a decade and therefore fundamental right of speedy trial of the applicant has been violated.
4. He further submits that FIR of the present case was lodged in the year 2012 and charge-sheet was filed in the year 2025 and therefore investigation continued for more than thirteen years and therefore fundamental right of speedy trial of applicant has been violated. He further submits that co-accused Keshav Shukla approached before this Court by way of preferring **Application u/s 528 BNSS no 49343 of 2025 (Kehsav Shukla vs. State of U.P. and 2 others)** for challenging the aforesaid proceedings on the same grounds as that raised at the behest of applicant, wherein co-ordinate Bench of this Court passed the judgment and order dated 17.12.2025 (Annexure no.

9) whereby entire proceeding has been quashed and as such applicant seeks parity with order dated 17.12.2025.

5. Learned AGA although vehemently opposed the prayer sought through instant application but could not dispute the argument raised at the behest of applicant regarding parity of order dated 17.12.2025.

6. After perusing the records and having the submissions advanced by learned counsels for the parties this Court finds that co-ordinate Bench of this Court passed order dated 17.12.2025 in Application u/s 528 BNSS no 49343 of 2025 (Kehsav Shukla vs. State of U.P. and 2 others) in favour of co-accused and the said order is quoted hereinbelow:

"1. Heard Sri Ram Raj Pandey, learned counsel for the applicant and Sri Vijay Kumar, learned AGA-I, for the State.

2. The instant application has been filed by the applicant with a prayer to quash the summoning order dated 24.10.2025 as well as entire proceedings of Special Session Trial No. 898 of 2025 (State Vs. Daya Shankar Singh and others) arising out of Case Crime No. 134 of 2012, under Sections 409, 420, 467, 468, 471, 477A, 120B and 34 IPC and Section 13(2) Prevention of Corruption Act, Police Station Barsathi, District Jaunpur pending in the court of Additional District & Session Judge/Special Judge (Prevention of Corruption Act), Special Court No.3, Varanasi.

3. Learned counsel for the applicant submits that the instant application is being pressed on the sole ground that investigation of the case continued for more than a decade and therefore fundamental right of speedy trial of the applicant has been violated.

4. He further submits that FIR of the present case was lodged in the year 2012 and charge-sheet was filed in the year 2025 and therefore investigation continued for more than thirteen years and therefore fundamental right of speedy trial of applicant has been violated.

5. He further submits that law is by far now settled that delay in investigation should also be considered while considering whether fundamental right of speedy trial of accused has been violated or not. He

placed reliance on the judgment of the Apex Court in the case of Pankaj Kumar Vs. State of Maharashtra and others 2008 (16) SCC 117. He further submits that even recently the Apex Court in the case of Robert Lalchungnunga Chongthu @ R L Chongthu Vs. State of Bihar 2025 INSC 1339 also observed that where there is delay in conducting the investigation and prosecution failed to provide any explanation then on this ground prosecution pending against accused can be quashed.

6. He further submits that in the instant matter prosecution could not provide any explanation why investigation continued for more than 11 years.

7. He further submits that on the basis of general and omnibus allegations as many as 51 FIRs were lodged in the year 2006 including FIR of the present case in the year 2012 with the allegation that accused persons misappropriated the public fund relating to Sampurna Gramin Rojgar Yojna and in all the cases investigation continued for more than a decade.

8. He further submits that when some of the accused approached this Court for quashing of their proceedings on the ground that as investigation continued for more than a decade therefore their fundamental right of speedy trial has been violated then this Court in their applications vide Application U/S 528 BNSS No. 21588 of 2025 (Girish Pandey Vs. State of U.P. and others), Application U/S 528 BNSS No. 21594 of 2025 (Smt. Mangari Devi and others Vs. State of U.P. and others) and Application U/S 528 BNSS No. 21595 of 2025 (Radhey Shyam and others Vs. State of U.P. and others) after considering the fact that there was delay of more than ten years in concluding investigation, quashed the proceedings pending against them and observation and findings recorded by this Court in above applications are equally applicable in the present case.

9. He further submits that therefore considering above facts proceeding pending against the applicant in aforesaid case is also liable to be quashed.

10. Per contra, learned AGA opposed the prayer but could not dispute the

fact that in the present matter investigation continued for more than thirteen years and State could not explain the delay of investigation. He further could not dispute that the observation made in Application U/S 528 BNSS No. 21588 of 2025 (Girish Pandey Vs. State of U.P. and others), Application U/S 528 BNSS No. 21594 of 2025 (Smt. Mangari Devi and others Vs. State of U.P. and others) and Application U/S 528 BNSS No. 21595 of 2025 (Radhey Shyam and others Vs. State of U.P. and others) are equally applicable in present matter.

11. I have heard both the parties and perused the record of the case.

12. Applicant challenged the proceedings pending against him on the sole ground that FIR in the present case has been lodged in the year 2012 but investigation continued for more than twelve years and charge-sheet has been filed in the year 2025 and, therefore, his fundamental right of speedy trial has been violated. The law is settled that on the ground of violation of fundamental right of speedy trial, proceeding pending against an accused can be quashed. (See: Abdul Rehman Antulay Vs. R.S. Nayak 1992 CrLJ 2717).

13. Further, Seven Judges Constitution Bench of the Apex Court in the case of P. Ramachandra Rao Vs. State of Karnataka (2002) 4 SCC 578 also approved the law laid down by the Apex Court in Abdul Rehman Antulay case (supra) and observed that on the ground of violation of fundamental right of speedy trial, proceeding pending against an accused can be quashed.

14. Further, the Apex Court in the case of Pankaj Kumar (supra) held that the right of speedy trial is a fundamental right provided under Article 21 of the Constitution of India and this right is applicable not only to the actual proceedings in court but also includes within its sweep the preceding police investigation as well. The Apex Court further held that the right of speedy trial extends equally to all criminal persecutions and is not confined to any particular category of cases.

15. Recently, the Apex Court in the case of Robert Lalchungnunga Chongthu @ R L Chongthu (supra) also held that if there is violation of fundamental right of speedy trial and there is delay in investigation then

proceedings pending against an accused can be quashed however Apex Court further observed that an explanation should be called from the State in this regard. In the present matter, however explanation was called from the State but State could not provide any explanation on the delay in investigation. Further, there is no material on record which can suggests that applicant was responsible in delay in investigation.

16. Further, however, the instant matter relates to provisions of Prevention of Corruption Act but Apex Court in the case of Ramanand Chaudhary Vs. State of Bihar and others AIR 1994 SC 948 quashed the proceedings relate to provisions of Prevention of Corruption Act on the ground that there is delay of 13 years in granting sanction and even Apex Court in the case of Mahendra Lal Das Vs. State of Bihar 2002 (1) SCC 149 also quashed the proceedings pending against the accused in case relating to Prevention of Corruption Act on the ground of delay in investigation.

17. Further, the Apex Court in its celebrated decision in the case of Hussainara Khatoon and others Vs. Home Secretary State of Bihar (1980) 1 SCC 81 also observed that right of speedy trial is an integral and essential part of the fundamental right to life and liberty.

18. In the present matter as investigation of the prosecution continued for more than a decade, therefore, there is inordinate delay in concluding the investigation and prosecution failed to explain the delay in investigation and even delay is not attributable to applicant, therefore, it reflects, fundamental right of speedy trial of the applicant has been violated.

19. Further, it appears, on the basis of general and omnibus allegations as many as 51 FIRs were lodged in the year 2006 including FIR of present case and in all the cases investigation continued for more than a decade and when some of accused of those cases approached this Court in three separate applications filed under Section 528 BNSS (details of applications have been mentioned in para-9) for quashing of proceedings then this Court quashed their proceedings after considering the fact that as investigation continued for more than a decade therefore their fundamental right of speedy trial has been violated and observation made by this Court in above cases are equally applicable in the present matter.

20. Therefore, considering the facts and circumstances of the case discussed above, in view of this Court as there is delay of more than 13 years in concluding the investigation in the present case and State could not provide any explanation in delay in investigation, therefore, fundamental right of speedy trial of the applicant has been violated and therefore proceeding pending against him are liable to be quashed.

21. Accordingly, proceeding pending against the applicant in the aforesaid case is hereby quashed.

22. The instant application stands allowed."

7. This Court finds that case of applicant is squarely covered with that of co-accused **Kehsav Shukla (supra)** and as such parity of order dated 17.12.2025 can be extended in favour of applicant. In the light of order dated 17.12.2025 passed in Application u/s 528 BNSS no 49343 of 2025, proceeding pending against the applicant in Special Session Trial No. 898 of 2025 (State Vs. Daya Shankar Singh and others) arising out of Case Crime No. 134 of 2012, under Sections 409, 420, 467, 468, 471, 477A, 120B and 34 IPC, Police Station Barsathi, District Jaunpur is hereby **quashed**.

8. The instant application stands **allowed** accordingly.

(Saurabh Srivastava,J.)

March 19, 2026

Shaswat