



2026:AHC:57844

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**MATTERS UNDER ARTICLE 227 No. - 3183 of 2026**

Omprakash Rai

.....Petitioner(s)

Versus

Janardan Rai And Another

.....Respondent(s)

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Counsel for Petitioner(s) : Archit Mandhyan, Rishabh Kumar  
Counsel for Respondent(s) :

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**Court No. - 53**

**HON'BLE SAMIT GOPAL, J.**

1. List revised.

2. Heard Sri Archit Mandhyan, learned counsel for the petitioner, Sri Ajay Singh, learned A.G.A.-I for the State and perused the record.

3. Learned counsel for the petitioner is permitted to implead the State as necessary party in the present petition during the course of the day.

4. This petition for writ has been filed by the petitioner with the following prayers:-

"It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to:

i. Issue a order or direction setting aside the judgment dated 16.04.2025 passed by the learned Special Judge (E.C. Act)/Additional District and Sessions Judge, Ballia.

ii. Issue any other order or direction, which this Hon'ble Court may deem fit and proper under the facts and circumstance of the case.

iii. Award any cost of this petition in favour of the petitioner."

5. By way of this petition the petitioner challenged the order dated

16.4.2025 passed by the Special Judge (EC Act)/Additional District and Sessions Judge, Ballia passed in Criminal Revision No.48 of 2025, Janardan Rai vs. State of U.P. and others, but learned counsel for the petitioners submits that the purpose of the writ petition would be served if the S.D.M. concerned is directed to decide the matter afresh since it has been remanded back by the impugned judgement and order in accordance with law without being influenced by any of the observations made in the judgement and order of the revisional court.

6. Learned State counsel has no objection to the same.

7. Heard learned counsels for the parties and perused the records. The challenge in the present writ petition is not being pressed and as such the same is dismissed not pressed.

8. The prayer in the writ petition is vague inasmuch as it does not even mention the details of the impugned order being the case number, etc.

9. Learned counsel for the petitioner tenders apology for the same and submits that it is an oversight. This cannot be an oversight and clearly shows negligence in drafting of the petition. Thus cost of Rs.2,000/- is imposed on the petitioner which shall be deposited before the court of S.D.M. concerned which may be transferred to the District Legal Services Authority concerned for its utilization. This order with the directions to the S.D.M. concerned on the merits of the case, shall only be given effect to when the said cost is deposited. The same be deposited within 10 days from today and the S.D.M. concerned wherein the matter has been remanded back by the revisional court is directed to decide the matter afresh without being influenced by any of the observations made by the revisional court in the impugned judgement and order as expeditiously as possible without granting any adjournment to either of the parties.

10. The petition stands disposed of.

11. Pending application(s), if any, shall stand disposed of.

**March 20, 2026**  
Naresh

**(Samit Gopal,J.)**