

After that, the following individuals appeared before the court: Opposite Party No. 4, S.D.M. Sadar, District Lalitpur, Shri Chandra Bhushan Pratap; Opposite Party No. 5, S.H.O. Kotwali, Lalitpur, Shri Shashi Bhushan; and Opposite Party No. 6, S.I., Police Chowki Birdha, Shri Narendra Kumar Singh. The Learned D.G.C (Criminal), representing the State, assured the court that every possible effort would be made to comply with the court's order.

However, the applicant's counsel argued that no individual, particularly public officers, should be allowed to disobey the court's orders without facing consequences. They cited the ruling of the Hon'ble Apex Court David Jude vs. Hannah Grace Jude and Ors. (30.07.2003 - SC): MANU/SC/0532/2003). They prayed that a reference for contempt or a criminal case against the erring public officers should be lodged under Section 166 of the I.P.C.

At this juncture, S.D.M. Sadar Lalitpur, S.H.O. Kotwali Lalitpur, and S.I., Police Chowki Birdha Shri Narendra Kumar Singh agreed to file an undertaking, pledging to comply with the court's order within two days. They also committed to recovering the money regarding the agricultural produce from Respondent No. 2 Yashpal Singh and paying it back to the applicant. The court granted permission to file the undertaking, which was then filed. The next hearing is scheduled for the 12th of April 2024.

Sessions Judge,
Lalitpur.

12.04.2024

Called out. Opposite Party No. 4 S.D.M. Sadar, Lalitpur, Shri Chandra Bhushan Pratap, and Opposite Party No. 6 S.I., Police Chowki Birdha, Shri Narendra Kumar Singh appeared before the Court. In furtherance of the undertaking, a report regarding the handing over of possession of the land in question to the applicant has been filed. As per the report, possession has been handed over to the applicant. The report also mentioned that to realise the value of crops' agricultural proceeds, Yashpal's bank account has been seized.

An application has been filed by the petitioner, Surendra Singh, stating that while he was returning from Court to his house on the previous date fixed, he and his cousin, Chhote Raja, were attacked by the brother of Respondent No. 2, Raghvendra s/o Indrapal Singh, and Siddharth s/o Raghvendra. The application also includes photographs of the incident. Assaulting litigants after their court appearance is a severe violation of law. Any collusion between Respondent No. 2, Yashpal, and the authorities could exacerbate the situation. In Criminal Revision No. 179/2023, Mahendra Singh & Ors. v. State of UP & Ors., this Court held, through an order dated 07.02.2024, that authorities acted illegally under section 145 of the CrPC and wrongly handed over the land in question and its agricultural proceeds to Yashpal.

Additionally, the applicant alleges that Yashpal and others stole the wheat crop; even then, F.I.R. was not registered.

The rule of law must prevail, not anarchy. The District Magistrate and Superintendent of Police are being directed to take note of the matter and ensure the safety of the litigants.

Put up on 16.04.2024 for further hearing.

Sessions Judge,
Lalitpur.