



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 1015 of 1989

Aditya Kumar And Others

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	:	Ansar Ahmad, Sushil Kumar Pandey
Counsel for Respondent(s)	:	A.G.A.

Court No. - 44

HON'BLE J.J. MUNIR, J.

HON'BLE VINAI KUMAR DWIVEDI, J.

The office report dated 13.08.2024 reads:

"13/08/2024 Office Report

It is humbly submitted that a letter dated 09/06/2021 (at filag 'A') has been received from CJM Elawah, wherein it is stated that notice has been served upon appellants (1) Aditya (2) Ram Vilas.

Appellant (3) Harvilas has died.

Appellant (4) Virendra Kumar is missing for about 25 years.

A letter (at flag 'B') dated 22/07/2024 has been received from District Judge Etawah wherein it is stated that order has been passed for reconstruction of record, as soon as report is received it will be sent to Hon'ble Court.

The case is put up for orders."

So far as appellant no. 4, Virendra Kumar *alias* Chuni is concerned, let non-bailable warrants of arrest issue against the said appellant ordering him to be arrested and produced before this Court, in custody, on 13.01.2026 at 2.00 p.m.

The warrants shall be issued through the learned Chief Judicial Magistrate, Etawah and caused to be executed by the Senior

Superintendent of Police, Etawah by all means and the said appellant produced before the Court, as directed.

It is made clear that it will not be acceptable for an answer returning the warrant unexecuted that the appellant cannot be found. The only two contingencies in which a warrant can be returned unexecuted, as in this case, are if the concerned appellant is dead or left the Indian shores. In either case, the Police, while making a report of that kind, must annex some evidence of the relevant facts showing the contingencies indicated; else, warrant has to be executed.

The Senior Superintendent of Police, Etawah will take note of it and submit a report separately.

The other issue that is involved in this matter is that the lower Court record is reported to be untraceable and an order for reconstruction thereof has been passed by the learned Sessions Judge, Etawah. The said fact is recorded in the office report dated 13.08.2024 which says that no further report has been received from the Judgeship of Etawah.

In the circumstances, let the learned Sessions Judge, Etawah forward the reconstructed record, if already done, by the next date or submit a report in the matter, without fail.

Mr. Y.C. Dubey, Advocate holding brief of Mr. Rajesh Gupta, learned Counsel, is present for appellant no. 1.

List on **13.01.2026 at 2.00 p.m.**

Let this order be communicated to the learned Sessions Judge, Etawah, the learned Chief Judicial Magistrate, Etawah and through the learned

Chief Judicial Magistrate, Etawah to the Senior Superintendent of Police,
Etawah by the Registrar (Compliance) **within 24 hours.**

(Vinai Kumar Dwivedi,J.) (J.J. Munir,J.)

January 6, 2026
Prashant D.