

Court No. - 43

Case :- CRIMINAL APPEAL No. - 1098 of 1989

Appellant :- Tipu Kushwaha

Respondent :- State Of U.P.

Counsel for Appellant :- P.P.Srivastava

Counsel for Respondent :- A.G.A.

Hon'ble Pradeep Kumar Singh Baghel,J.

Hon'ble Harsh Kumar,J.

The appeal was admitted on 8.5.1989 and the appellant was released on bail. The order-sheet reveals that the office has not summoned the record from the lower court.

In **Criminal Appeal No. 2184 of 1984 (Sant Ram & another v. State of U.P.)**, on similar facts, this Court has issued the following directions:

"(i) Registrar General of this Court shall within ten days issue a direction upon the concerned official of this Court to send the requisition for summoning the records of all the admitted criminal appeals upto the year 2000 within four weeks.

(ii) A circular be issued to all the concerned Sessions Judge / Chief Judicial Magistrates to send the records of the aforesaid admitted criminal appeals pursuant to the requisition sent by this Court within two weeks."

In this case also, we order accordingly.

Chief Judicial Magistrate, Gorakhpur is directed to send a report whether the appellant is alive or not within three weeks from the date of receipt of this order in terms of the circular issued by this Court from time to time.

In case the appellant is alive, he may be directed to appear on the next date of listing either personally or through counsel.

Issue notice to the appellant to engage some other counsel as Sri P.P. Srivastava has passed away.

List after three weeks.

Office shall send a copy of this order by Fax to the District Judge/ C.J.M., Gorakhpur for communication and compliance of this order within three days.

Order Date :- 19.3.2018

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