



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 1028 of 1988

Channer Yadav And Another

.....Appellant(s)

Versus

State

.....Respondent(s)

Counsel for Appellant(s)

: Gajendra Pratap

Counsel for Respondent(s)

: Dga

Court No. - 44

HON'BLE J.J. MUNIR, J.

HON'BLE VINAI KUMAR DWIVEDI, J.

Perused the office report dated 30.11.2021, which reads:

" 30/11/2021 कार्यालय आख्या

माननीय न्यायालय के आदेश दिनांक 3/3/2021 (CRLA 5361/2003) के अनुपालन में सी जे एम गाजीपुर का एक पत्र (पताका 'क') मयसंलग्नक इस आशय का प्राप्त हुआ कि चन्नेर यादव उर्फ रामचन्द्र यादव पुत्र दशरथ यादव नाम का व्यक्ति ग्राम माखनपुर में नहीं है। रामजी पुत्र दशरथ यादव नाम के व्यक्ति निवास करते थे, जिनकी मृत्यु लगभग 30 वर्ष पूर्व हो चुकी है।

अपीलार्थी (2) नीके लाल के संबंध में कोई आख्या प्राप्त नहीं हुई है।

पत्रावली सादर आदेश हेतु प्रेषित।"

This report has been submitted in compliance to the order of the Division Bench dated 21.03.2018.

The office report dated 30.11.2021 is based on the report of the learned Chief Judicial Magistrate, Ghazipur dated 18.11.2021, which is as follows:

"कृपया उपर्युक्त प्रकरण का सन्दर्भ ग्रहण करने का कष्ट करें, इस प्रकरण में नोटिस 1-चन्नेर यादव उर्फ रामचन्द्र पुत्र दशरथ यादव आदि, निवासीगण ग्राम-माखनपुर, थाना-भुडकुड़ा, जनपद-गाजीपुर पर सेवित कराया जाना इस न्यायालय द्वारा अपेक्षित है।

उपरोक्त पर नोटिस सेवित कराने हेतु थाना-भुडकुड़ा, जनपद गाजीपुर को प्रेषित किया गया। थाना से प्राप्त आख्यानानुसार चन्नेर यादव उर्फ रामचन्द्र यादव पुत्र दशरथ यादव वर्तमान समय ग्राम सभा माखनपुर में कोई नहीं

है। गांव में पूछने पर ज्ञात हुआ कि रामजी पुत्र दशरथ यादव थे। जिनकी मृत्यु विगत 30 वर्षों पहले हो चुकी है। अब माखनपुर गांव में कोई उनके परिवार का सदर नहीं है। ग्राम सभा के प्रधान की लिखित तहरीर साथ में संलग्न है।

अतएवं नोटिस जिसके पृष्ठ पर थाना-भुड़कुड़ा की आख्या अंकित है तथा उपरोक्त के संबंध में ग्राम प्रधान की तहरीर संलग्न कर अनुपालन आख्या माननीय न्यायालय के समक्ष आवश्यक कार्यवाही हेतु सादर प्रेषित है।"

A reading of the office report as well as the learned Chief Judicial Magistrate's report is very disillusioning. It shows utter inaction on the part of the Police. In the report, it is not clear whether Channer Yadav *alias* Ram Chandra, son of Desarath Yadav is alive or dead. Rather, it is inconsequential and says that no one by the name resides in the village. It is mentioned though that Ram Chandra, son of Desarath Yadav is dead, according to the Village *Pradhan*.

If Channer Yadav *alias* Ram Chandra, son of Desarath Yadav is not traceable in village- Makhanpur, Police Station- Bhur Khura, District- Ghazipur, the Police have to remember that they are not a postal agency to serve the convicted appellant who is on bail at his residential address given in the cause title. It is for them to track down and locate the whereabouts of the absconding appellant in any part of the country that he may be found. It is only in two eventualities that the Police can report that the missing appellant is not traceable or cannot be served, to wit, if the appellant is dead or has left the country. In either case, they must annex evidence to the effect regarding whichever contingency obtains in the case. If these two contingencies do not obtain, the Police have to locate the appellant, directed to be served, in any part of the country he might have moved to or concealed himself.

So far as appellant no. 2, Neeka Lal is concerned, there is no report at all submitted by the Police and *a fortiori* by the learned Chief Judicial

Magistrate, Ghazipur.

We are satisfied in this case that the appellants, *prima face* are concealing themselves from the process of Court after securing bail in the present appeal way back in the year 1988.

Issue non-bailable warrants of arrest against both the appellants through learned the Chief Judicial Magistrate, Ghazipur, ordering the Chief Judicial Magistrate to cause both the appellants to be arrested and produced before this Court in custody **on or before 13.01.2026 at 2.00 p.m.**

The Superintendent of Police, Ghazipur is ordered to cause these warrants of ours to be executed, the appellants arrested and produced before this Court, as directed, through the Chief Judicial Magistrate, Ghazipur on the date and time fixed.

It is made clear that it will not be accepted for an answer that the appellants cannot be found, unless the Superintendent of Police, Ghazipur can report, on the basis of some evidence, that the appellants or the one who cannot be found is/are dead or left the Indian shores.

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

Let this order be communicated to the learned Chief Judicial Magistrate, Ghazipur and through him to the Superintendent of Police, Ghazipur by the Registrar (Compliance) **within 24 hours.**

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

January 6, 2026

Prashant D.