

Court No. - 46

Case :- CRIMINAL APPEAL No. - 1211 of 1988

Appellant :- Harish Chandra And Another

Respondent :- State Of U.P.

Counsel for Appellant :- S.K. Agarwal

Counsel for Respondent :- A.G.A.

Hon'ble Naheed Ara Moonis,J.

Hon'ble Shashi Kant,J.

Pursuant to the order dated 27.3.2018, the report of the Chief Judicial Magistrate, Meerut, dated 13.6.2018 has been received. According to which, whereabouts of the appellant nos.3 & 4, namely, Mam Chandra and Subhash is not known as they are not residing at the given address. The report in respect of appellant nos.1 & 2, namely, Harish Chandra and Hirday Ram is still awaited.

In this view of the matter, the Chief Judicial Magistrate as well as S.P., Mathura are directed to initiate proceeding under section 446 Cr.P.C. against the sureties of the appellant nos.3 & 4, namely, Mam Chandra and Subhash in accordance with law. The S.P., concerned is also directed to depute a police officer not below the rank of the Deputy S.P. to trace out the whereabouts of the aforementioned appellants. In case they are arrested, they shall be produced before the Chief Judicial Magistrate, concerned who shall be released with an undertaking that they shall appear before the Court on the next date of listing.

The Chief Judicial Magistrate, concerned shall ensure the presence of the before the appropriate Bench on the next date of listing.

In case the appellant nos.3 & 4, namely, Mam Chandra and Subhash are not surviving, the Chief Judicial Magistrate, concerned shall send report as per circular of this Court by the next date of listing.

Let the case be listed in the week commencing 24.9.2018 before the appropriate Bench along with the compliance report.

The office is directed to transmit the photocopy of the sureties of the appellant nos.3 & 4, namely, Mam Chandra and Subhash to the court below for compliance of the order dated 27.3.2018.

A copy of this order with full particulars be sent through FAX to the Chief Judicial Magistrate concerned forthwith for communication and necessary compliance.

Copy of this order be also supplied to the learned A.G.A. forthwith for necessary compliance.

Order Date :- 31.8.2018

M. Tariq