

**Court No. - 43**

**Case :-** CRIMINAL APPEAL No. - 1297 of 1988

**Appellant :-** Hari Shankar And Others

**Respondent :-** State Of U.P.

**Counsel for Appellant :-** S.P.S Bhargava

**Counsel for Respondent :-** A.G.A.

**Hon'ble Pradeep Kumar Singh Baghel,J.**

**Hon'ble Harsh Kumar,J.**

The appeal was admitted on 27.5.1988 and the appellants were released on bail. The order sheet reveals that the office of this Court has not summoned the record from the lower court.

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

*"Having due regard to the facts of large number of the cases which are listed before this Court, we issue 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, Aligarh is directed to send a report whether appellants are alive or not within three weeks from the date of receipt of this order in terms of the circulars issued by this Court from time to time.

In case the appellants are alive, they may be directed to appear on the next date of listing either personally or through counsel.

It is stated at the Bar that Sri. S.P.S Bhargava, learned counsel for the appellants is no more.

Office is directed to send notice to the appellants returnable within three weeks to engage another counsel.

List after three weeks.

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

**Order Date :-** 21.2.2018

Faridul