



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 2851 of 1983

Satish And Others

.....Appellant(s)

Versus

State

.....Respondent(s)

Counsel for Appellant(s)	:	K. Sahai
Counsel for Respondent(s)	:	A.G.A.

Court No. - 44

HON'BLE J.J. MUNIR, J.

HON'BLE SANJIV KUMAR, J.

The affidavit of compliance filed today by the Senior Superintendent of Police, Saharanpur is taken on record.

Despite our orders commensurately admonishing inaction on the part of the Police in causing the appellants to be arrested in the present appeal and the connected appeal, against whom, notices had remained unserved and also bailable warrants unexecuted, the Senior Superintendent of Police, Saharanpur, Ashish Tiwari who has filed a personal affidavit, appears to be unrepentant and unremorseful. He has averred in paragraph no. 19, as follows :-

"19. That it is further humbly submitted that the efforts regarding arrest of the accused Shivkumar and Ashok is being monitored by the deponent and there is no negligence or lapse of any kind whatsoever, in the efforts regarding arrest of the abovenamed accused. The deponent assures this Hon'ble Court, that there has been regular supervision and monitoring of the efforts regarding their arrest, and the same has been copacetic."

We had not sought the Senior Superintendent of Police's opinion on the matter whether the Police were or were not negligent in the execution of our processes, but had asked him to show cause regarding laxity in the matter of execution. In addition, we had required the non-bailable warrants to be executed, in all eventualities, except two contingencies that we have already indicated. Instead of complying with that direction of ours, he has, in the paragraph under reply and elsewhere in the affidavit, camouflaged his attitude of disobedience in words of submission.

He has written in paragraph no. 19 of the affidavit contrary to our opinion expressed in the order dated 15th October, 2025 that there is no negligence or lapse of any kind, obviously on the part of the Police in executing this

Court's warrant. The Senior Superintendent of Police is not permitted to hold an opinion in the matter, once we have expressed ours. He will cause the absenting appellants to be arrested immediately and produced before us on or before **13th November, 2025**, failing which he will appear in person on the said date. If the absenting appellants in the present appeal and the connected matters are all arrested and produced before the learned Chief Judicial Magistrate, who will of course commit, them to prison, the Officer need not to appear.

List again on **13th November, 2025**, at **02.00 p.m.**

The Registrar (Compliance) is directed to communicate this order to the Senior Superintendent of Police, Saharanpur through the learned Chief Judicial Magistrate, **today**.

November 7, 2025
AdityaG

(Sanjiv Kumar,J.) (J.J. Munir,J.)