



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 2752 of 1985

Guddu Agnihotri and another

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)

: G.P.Dixit

Counsel for Respondent(s)

: Dga

Court No. - 44

HON'BLE J.J. MUNIR, J.

HON'BLE VINAI KUMAR DWIVEDI, J.

On 24.07.2025, out of the two appellants, one was reported dead and the appeal ordered to abate against the dead appellant. Regarding the surviving appellant Guddu Agnihotri, his living status was ordered to be inquired into by the learned Chief Judicial Magistrate, Kanpur Nagar/Dehat. The learned Chief Judicial Magistrate, Kanpur Nagar has submitted a report dated 25.07.2025, where in the material part, he has reported :

"सम्बन्धित थाना पुलिस की आख्या के अनुसार अपीलान्ट संख्या 01. गुड्डू अग्निहोत्री पुत्र रामशंकर अग्निहोत्री निवासी चालिस दुकान थाना किदवई नगर, कानपुर नगर के पते पर जाकर ज्ञात हुआ कि खुर्शीदा बेगम पत्नी मो० हाशिम उपरोक्त अंकित पते पर निवास कर रही है। गुड्डू अग्निहोत्री पुत्र रामशंकर अग्निहोत्री नाम का कोई भी व्यक्ति इस पते पर निवास नहीं है। खुर्शीदा बेगम द्वारा लिखित तहरीर दी गयी। नोटिस अदम तामील वापस किया गया।"

We have repeatedly emphasized that the Police are not a postal agency, who can return processes issued by us, whether notices or warrants unserved on ground that the person summoned or ordered to be arrested cannot be found at the address where he resides. We have laid down in a number of cases that unless the person, ordered to be summoned or arrested, is dead or left the country about which the Police must have some evidence in hand, no process of ours can be returned unexecuted or unserved, as the case may be.

It is the duty of the Police to trace out the persons summoned or ordered to be arrested, except in the two contingencies above indicated, in whichever part of the country he might be located or concealed himself

without any excuse in the matter.

Let the Commissioner of Police, Kanpur Nagar appear in person **day after tomorrow** and clarify the matter.

Put up this matter on **26.02.2026**.

To be taken up at **02:00 p.m.**

Let this order be communicated to the Commissioner of Police, Kanpur Nagar through the learned Chief Judicial Magistrate, Kanpur Nagar by the Registrar (Compliance) **today**.

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

February 24, 2026

Deepak