

Court No. - 75

Case :- CRIMINAL APPEAL No. - 91 of 1983

Appellant :- Bhopa Alias Kanhiya And Ors.

Respondent :- State of U.P.

Counsel for Appellant :- S.P.S. Raghav

Counsel for Respondent :- Govt. Advocate

Hon'ble Vikas Budhwar,J.

Matter has been taken up in the revised list which has been listed under the caption of oldest pending cases in the High Court, for priority hearing.

On 02.11.2018 following order was passed:

"List revised. Case called out.

None present for the appellants. Learned A.G.A. for the State is present.

On perusal of the file, it is revealed that the appeal is pending since 1983. The appellants were released on bail vide order dated 13.1.1983.

There is no office report.

The concerned Registrar is directed to check and submit a report.

Issue non-bailable warrant against the appellants and notice to their sureties under Section 446 Cr.P.C. to be executed through the concerned C.J.M, returnable on 20.12.2018.

Lower court record be summoned immediately.

The order passed today be communicated to the District Judge concerned through Fax, Email as well as by registered and ordinary process.

A copy of this order be also sent to SSP, Mathura for compliance.

List this case on 20.12.2018. "

There is an office report dated 25.05.2022 which reads as under:

"In compliance of Hon'ble Court order dated 01.11.2018, a letter dated 01.01.2019 has been received from the CJM Mathura wherein said that non-bailable warrants could not be executed as it was received after the hearing date has been passed. Detailed report is placed at flag'A'. In compliance of Hon'ble Court dated 03.03.2021 in CRLA 5361/03, regarding living status of the appellants, a letter dated 08.09.2021'flag-B' has been received from the CJM Mathura wherein said that appellant no.1 Bhopa alias Kanhiya has died

whereas notices has been served upon the appellant no.2 Rajjoo and no.3 Devo.

The case is put up for orders along with LCR"

On 13.09.2023 the following order have been passed:

"Shri Ramesh Kumar Singh, learned A.G.A. for the State is present.

As per office report dated 25.05.2022, appellant No. 1 Bhopa @ Kanhiya had died 3 years ago. A detail report has been submitted by Chief Judicial Magistrate, Mathura, which is on record.

In view of the above facts and circumstances, present appeal stands abated for appellant No. 1 Bhopa @ Kanhiya.

Issue summon to the appellant Nos. 2 and 3 for their appearance before this Court either personally or through their counsel through C.J.M. concerned for next date of listing.

Office is directed to comply the order by sending information to the Sessions Judge concerned by Fax/E-mail/telephonic message immediately.

List on 04.10.2023. "

There is an office report dated 03.10.2023 which reads as under:

"In compliance of Hon'ble Court's order dated 13.09.2023 vide letter dated 22.09.2023 'flag C' the CJM Mathura has reported that notices have been served upon appellant nos.2 and 3.

The case is put up for order along with LCR."

Since despite service the appellant nos. 2 & 3 have not appeared neither personally nor through counsel or any Vakalatnama is on record of any subsequent counsel. Thus, office is directed to send the details of the sureties with the photo copy of the bail bonds indicating the details of the sureties of the appellant nos. 2 & 3 to the concerned CJM forthwith so that appropriate action be taken against the sureties U/s 446 Cr.P.C.

The CJM concerned is directed to proceed in accordance with Section 446 Cr.P.C. against the sureties and to submit a report in this regard to this Court within three weeks.

List this case on 11.08.2025 along with the report of concerned Chief Judicial Magistrate.

Order Date :- 8.7.2025

C. MANI