



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 3194 of 1986

Shankar And Another

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	:	R. Bhargava
Counsel for Respondent(s)	:	A.G.A.

Court No. - 75

HON'BLE SAMIT GOPAL, J.

1. List revised.

2. No one appears on behalf of the appellants to press this appeal U/s 374(2) Cr.P.C. Sri Bade Lal Bind, learned counsel for the State is present.

3. In the process of serving of notice on the accused appellants it transpired that notice could not be served on the appellant No.1/Shankar since the address given does not fall within the District Aligarh. Further the address of the accused appellant no.2/Buddha was reported to be incomplete and thus notice could not be served on him as is reported by the office through its report dated 11.08.2022. Subsequently vide order dated 18.12.2025 the appeal in so far as the appellant No.1/Shankar is concerned stood abated. The CJM, Hathras was directed to inform the appellant No.2/Buddha about the pendency of this appeal and for his appearance before this Court. In compliance of the said order, as per office report dated 28.01.2026 it was reported by CJM, Hathras vide letter dated 20.01.2026 that notice could not be served upon the appellant No.2/Buddha due to incomplete address. Subsequently vide order dated 29.01.2026 notice was issued to the surety of the said appellant. As per the office report dated 26.02.2026 vide letter dated 29.01.2026 of CJM, Hathras it is reported that the sureties of the appellant no.2 have died.

4. In the statement of the accused appellant No.2/Buddha recorded under Section 313 Cr.P.C. in the trial court records he has disclosed his address as "resident of Nagla Mithas, P.S. Sadabad, District Mathura". The said address is even mentioned in the vakalatnama dated 28.02.2026 filed on behalf of both the accused by their learned counsels before the trial court.

5. Let notice be issued to the accused appellant No.2/Buddha from the following details given in the statement recorded under Section 313 Cr.P.C. "Buddha son of Bhoora, resident of Nagla Mithas, P.S. Sadabad, District Mathura".

6. The said notice be issued by the CJM, Mathura on the said accused/appellant regarding pendency of this appeal and informing him to either appear personally or through a lawyer by the next date.

7. Since his sureties have also died, issue bailable warrants also against the appellant No.2/Buddha through CJM concerned returnable within three weeks. If the said appellant appears before the court concerned, he shall be released on bail on furnishing a personal bond and two sureties in the like amount of Rs. 50,000/- each with an undertaking that he shall appear before this Court on the next date personally or through counsel.

8. Let the matter be listed on 23.04.2026.

9. Office to communicate this order to the CJM concerned within a week who shall send a compliance report by the next date.

(Samit Gopal,J.)

April 1, 2026
M. ARIF