

Court No. - 28

Criminal Misc. Recall Application No. 1 of 2018

IN

Case :- CRIMINAL APPEAL No. - 3172 of 1982

Appellant :- Durga and others

Respondent :- State Of U.P.

Counsel for Appellant :- G.S. Hajela

Counsel for Respondent :- A.G.A.

Hon'ble Krishna Pratap Singh,J.

This is an application for recall of the order dated 29.10.2018, whereby non-bailable warrants have been issued against the appellants.

Cause shown is sufficient.

The order dated 29.10.2018 issuing non-bailable warrants against the appellants is hereby recalled.

The recall application is allowed.

Order Date :- 26.11.2018

Sazia

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Case called out in the revised list.

None appears on behalf of appellant No. 1, Durga.

Mr. Virendra Singh, learned counsel has appeared on behalf of appellant Nos. 2, 3 and 4, namely, Kishan Lal, Girwar and Rajen alias Rajendra Prasad.

In compliance of the order of this Court dated 10.11.2017, learned Chief Judicial Magistrate, Lalitpur has submitted a report dated 06.12.2017, whereby appellant No. 5, Ghan Shyam has died. Appeal against appellant No. 5, Ghan Shyam stands abated.

There is no report regarding whereabouts of appellant No. 1, Durga.

Let a fresh report be submitted by the CJM, Lalitpur regarding whereabouts of appellant No. 1, Durga in the light of **Circular Letters No.15/2005, VIII-119 April 19, 2005, and 04/admin G-II dated Allahabad 18.1.2017**, which provides that in the event of death of the appellant No. 1 Durga, same is to be authenticated by the statement of the informant or his legal heirs, if any, whose name and address may be ascertained from the L.C.R. which are available before the court below, which too shall be transmitted to this Court, failing which the Court may be constrained to take a serious view against the official in default.

Office to ensure communication of this order forthwith through registered post as well as through other speedier option available to the judgeship concerned for immediate compliance of the order.

List this matter in the week commencing 21.01.2019 for orders.

When the case is listed next, name of Mr. Virendra Singh, Advocate be shown as counsel for appellant Nos. 2 to 4.

Order Date :- 26.11.2018

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