

**Court No. - 75**

**Case :- CRIMINAL APPEAL No. - 2144 of 1982**

**Appellant :- Mahabir And Others**

**Respondent :- State**

**Counsel for Appellant :- Ajay Vikram Yadav, J. Kumar**

**Counsel for Respondent :- A.G.A.**

**Hon'ble Vikas Budhwar, J.**

The appeal is of the year 1982 and the matter is taken up in the revised list which has been listed under the caption of oldest pending cases in the High Court for priority hearing but none appears on behalf of the appellants.

On 09.07.2025 following order was passed:

"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 but nobody is present on behalf of the appellants.

On 01.12.2022 the following order was passed:

*"List revised. No one appears on behalf of appellant.*

*The appeal of the appellant no. 1, Mahabir already stands abated vide order dated 19.11.2012. As per the office report dated 24.12.2021 and the report dated 31.3.2021 of the C.M.M., Kanpur Nagar, appellant no. 2, Narain has also died.*

*Appeal against appellant no. 2, Narain is also abated.*

*It is also reported by C.M.M. concerned that whereabouts of appellant no. 3, Babu Lal are not found at the given address.*

*Issue Non Bailable Warrants against the appellant no. 3, Babu Lal through C.M.M., Kanpur Nagar who shall ensure arrest of appellant no. 3, Babu Lal and lodge him in jail and send compliance report to this Court by the next date.*

*Commissioner of Police shall ensure compliance of this order within one month.*

*Report be sent thereafter.*

*Let the matter be listed on 6.02.2022 for final hearing.*

*Office is directed to communicate this order to C.M.M. and Commissioner of Police concerned, within a week for compliance."*

There is an office report dated 03.02.2023 which reads as under:

*"In compliance of Hon'ble Court order dated 01.12.2022, vide letter dated 13.01.2023 (flag-P) the CMM Kanpur Nagar has reported that non bailable warrant could not be executed upon the appellant no.3 Babu Lal as he could not be traced out.*

*The case is put up for hearing along with the paper book and LCR"*

In view of the order dated 01.12.2022 and the office report dated 03.02.2023, the office is directed to send the details of the sureties with the photo copy of the bail bond including the details of the sureties of the appellant no. 3- Babu Lal to the concerned CJM forthwith so that appropriate action to 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 05.08.2025 along with the report of concerned Chief Judicial Magistrate. "

There is an office report dated 04.08.2025 reads as under:

*"In compliance of Hon'ble Court's order dated 09.07.2025, a letter with no. 35540 (flag B) has been sent to the CJM concerned through speed post and Email.*

*No compliance report has been received as yet.*

*The case is put up for hearing along with paper book and LCR."*

The matter is adjourned for the day.

Office to communicate the order to the CJM concerned for compliance.

List on 15.09.2025 in the additional cause list.

**Order Date :- 5.8.2025 / C. MANI**

**(Vikas Budhwar,J.)**