

**Court No. - 69**

**Case :-** JAIL APPEAL No. - 679 of 1988

**Appellant :-** Bhoora

**Respondent :-** State of U.P.

**Counsel for Appellant :-** From Jail, Archana Singh

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

**Hon'ble Samit Gopal, J.**

1. Mrs. Archana Singh, (Adv. Roll No. A/A-1042/12, learned Amicus Curiae appears on behalf of accused-appellant Bhoora Singh.

2. It is pointed out that the present appeal is connected with one more appeal, bearing Criminal Appeal No. 2048 of 1985 (Fazal Malik vs. State of U.P.) but the same is not printed in the cause list.

3. Office to print the details of the said appeal also in the cause list when the matter be listed next.

4. The office report dated 20.08.2023, which is based upon the report of In-charge Chief Judicial Magistrate, Moradabad regarding living status of the accused/appellant Bhoora Khan. As per report of the Summon Cell, no person by the name of Bhoora Khan, son of Shafiq Khan lives in Ghasmandi. Bhoora son of Safi named person has died many years ago and as per report of the District Jail, Moradabad, the appellant Bhoora Khan son of Shafiq Khan was wanted in another case and as such he was transferred to Central Jail Tihar, Delhi on 15.12.1985. The said person is not confined in District Jail, Moradabad. The report further states that as per report of Superintendent Central Jail, Tihar Delhi, the appellant Bhoora Khan was not found to have been admitted in Central Jail No. 3, Tihar on 15.12.1985.

5. The Chief Judicial Magistrate, Moradabad is thus directed to hold an inquiry regarding whereabouts of the accused-appellant Bhoora Khan son of Shifiq Khan, R/o Ghasmandi, P.S. Sirauli, district-Bareilly, who has been convicted and sentenced in S.T. No. 667 of 1983 (Bhoora vs. State of U.P.) with Session Trial No. 85 of 1984 (State vs. Fazal Malik and othes), vide judgement and order dated 02.08.1985 passed by VIIth Additional Sessions Judge, Moradabad and send his detailed report within a period of four weeks.

6. Office to communicate this order to the concerned Chief Judicial Magistrate within four days.

7. Let the matter be listed on 28.11.2023 along with connected matters.

**Order Date :- 26.10.2023**

Vikram

(Samit Gopal,J.)