



**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL APPEAL No. - 4764 of 2022**

Ram Narayan

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

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Counsel for Appellant(s) : Archana Agrawal, Mazhar Shakeel,  
Rudra Kant Mishra  
Counsel for Respondent(s) : G.A.

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**Along with :**

**1. Jail Appeal No. 137 of 2022:**  
Sangeeta

Versus

State of U.P.

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**Court No. - 44**

**HON'BLE J.J. MUNIR, J.**

**HON'BLE VINAI KUMAR DWIVEDI, J.**

On 08.01.2025, bail was granted to the sole appellant, Ram Narayan by a Division Bench of this Court. Their Lordships, by the same order made on the appeal, directed that the paper-books be compiled and the appeal listed for hearing in due course. The due course was not long and the appeal appeared before us on 30.01.2026. On 30.01.2026, no one appeared on behalf of the appellant, leading us to make the following order:

"The appellant- Ram Narayan has been granted bail vide order dated 8.1.2025.

The appeal is called on.

No one appears on behalf of appellant.

Office has reported that the paper books are not ready.

Office shall cause paper books in the appeal to be compiled within 10 days.

List this appeal for hearing on 16.2.2026 as the

second case. This order shall be communicated to the learned Counsel appearing for the appellant by the Office in writing by Monday next."

Office report dated 13.02.2026 shows that the paper-books have been compiled and extra paper-book, that has been forwarded to us, has been furnished to the learned Additional Government Advocate in Court.

When the case is called on today, no one appears on behalf the appellant.

It is a very obnoxious tendency amongst litigants that after securing bail from this Court in a criminal appeal, they instruct the learned Counsel not to appear. We would not blame the learned Members of the Bar in this matter because the learned Counsel cannot appear contrary to instructions of the litigants whose interest is at stake. No doubt, the learned Counsel is an officer of the Court and has his own obligations, but idealism of the principle cannot be stretched beyond realistic limits. It is after all a criminal case, where a litigant has the right to be represented by a learned Counsel of his choice. If a litigant instructs learned Counsel not to appear, the learned Counsel has no authority to appear further. This is invariably the case, where the bails are granted in appeals and the appeals then come up for hearing. These are but few malpractices prevailing amongst litigating public which they seldom pay attention to when they go on a tirade to criticize ills of delays etc. that ail the Court.

It is time when litigants are shown the mirror about their own conduct and the way they discharge their limited role in Court. We find from watching the course of appeals in this roster, and also, over a number of years that obstructive practices are ready at hand with litigants in order to retain temporary advantages that interim relief brings.

Whenever in seminars, causes of delays in Courts are debated, the role of the litigants is mostly discounted. The litigant is seen as a helpless man in the hands of the Bar and the Bench. Unfortunately, it is not so. Generally speaking, very few exception apart there is no Lawyer and no Judge before whom a case duly assigned to be argued or heard would not do his duty. But, if those whose interest is involved deliberately withdraw or wish the proceedings to go into a lull, it becomes difficult to proceed with

the matter, particularly, a criminal case, like a criminal appeal or a trial.

Options, of course, are there with the Court but these involve virtually battling with the litigants in the first instance to compel them to argue and then take up the case on merits. This case, we find, is an instance of the kind that has made us say words that we have mentioned above.

In the circumstances, letailable warrants of arrest issue against Ram Narayan, the appellant requiring him to surrender before the learned Chief Judicial Magistrate, Sonbhadra **on or before 23.03.2026** and furnish a personal bond in the sum of Rs. 20,000/- and two sureties each in the like amount to the satisfaction of the learned Chief Judicial Magistrate together with an undertaking binding himself over to appear before this Court on **25.03.2026 at 12 noon**.

The Superintendent of Police, Sonbhadra shall ensure that this warrant of ours is served upon the appellant, Ram Narayan without fail and is not returned by some elusive or friendly Policemen putting in a report about Ram Narayan not being available.

List on **25.03.2026**.

To be taken up at **12 noon**.

Let this order be communicated to the learned Chief Judicial Magistrate, Sonbhadra and the Superintendent of Police, Sonbhadra through the learned Chief Judicial Magistrate, Sonbhadra by the Registrar (Compliance) **today**.

(Vinai Kumar Dwivedi, J.) (J.J. Munir, J.)

**March 18, 2026**

Deepak