



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 7203 of 2019

Kaushal Kishore Alias Baba

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s) : Prabhakar Dwivedi, Rahul Singh
Dahiya
Counsel for Respondent(s) : G.A.

Court No. - 43

**HON'BLE SALIL KUMAR RAI, J.
HON'BLE SATYA VEER SINGH, J.**

Heard the counsel for the appellant and Sri Anoop Trivedi, A.A.G., Sri Patanjali Mishra, G.A. as well as Sri Arvind Kumar, A.G.A.

In pursuance to the previous order passed by this Court, the case has been listed today.

The Superintendent of Police, District Hapur who is the head of the police administration in the District is personally present in the Court and has filed his personal affidavit which is taken on record.

The Commissioner of Police, Gautam Budh Nagar has sent an application to seek permission to appear through video conferencing.

The application is allowed and the Commissioner of Police, Gautam Budh Nagar has been heard through video conferencing.

The Commissioner of Police, Gautam Budh Nagar has also filed her personal affidavit disclosing the steps taken by the administration against the police personnel responsible for returning the non-bailable warrant and failing to execute the warrant.

The details regarding the failure of the police administration have been narrated in the previous order dated 04.02.2026 passed by this Court. The affidavit of the Sub-Inspector responsible for the execution of the non-bailable warrant and who failed to execute the same has also been filed in

this Court and is taken on record. The affidavit of the Senior Sub-Inspector Jitendra Kumar and of the Constable Vipin Kumar and Sub-Inspector Pankaj Kumar who had some role to play either in execution of warrant or in returning the warrant to the Court is also taken on record. The affidavits, except the affidavit of the Commissioner of Police, are in nature of apologies and do not explain the failure of the administration to execute the non-bailable warrants or the reason for the presence of the police personnel at the residence of the appellant on 10.01.2026. The contents of either of the affidavits do not assure the Court that in future the warrants issued by this Court shall be executed responsibly and shall be taken seriously by the police administration and in case, they are not executed within the time supposed to be executed, the concerned police personnel/officers shall be held accountable by the police administration of the district and suitable action be taken against them. The aforesaid observation of the Court has become necessary in the context that non-execution of warrants being issued by this Court is frustrating the endeavour of the Court to proceed with the hearing of criminal appeals and other cases.

However, considering the fact that departmental proceedings have been instituted by the police administration in District Gautam Budh Nagar against the police personnel who failed to execute the non-bailable warrant issued by this Court, the Court does not propose to take any further action, at present.

Let the appeal be listed for hearing on **23rd March 2026** before the appropriate Bench and shall not be treated as part heard or tied up with this Bench.

On the next date fixed, the administration shall report to the Court the result of departmental proceedings instituted against the police personnel responsible for the failure of the administration to execute the non-bailable warrant and as disclosed in the affidavit of the Commissioner of Police.

At this stage, it is also relevant to observe that the non-bailable warrant has already been returned by the police, therefore, at present, the police

has no authority to arrest the appellant.

The counsel for the appellant assures the Court that the case shall be argued on 23rd March 2026.

The officers are not required to be present in the Court on the next date fixed in the case.

(Satya Veer Singh,J.) (Salil Kumar Rai,J.)

February 12, 2026

Vipasha