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ITEM NO.1

COURT NO.7

SECTION II

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO(s). 14-16 OF 2009

LALLAN SINGH & ORS.

Appellant (s)

VERSUS

STATE OF U.P.

Respondent(s)

(Office Report for Direction)

Date: 19/07/2013 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

For Appellant(s) Mr. Abhishek Atrey,Adv.

For Respondent(s) Mr. Vivek Vishnoi,Adv.

Mr. M.R. Shamshad,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard.

We had on 13th September, 2012 while disposing of Criminal Appeal Nos.14-16 of 2009 directed an inquiry by the trial court into the circumstances in which despite dismissal of their appeals by this Court two of the appellants-accused, namely, Awadesh (Kumar) Singh and Sawaroo were at large. We had also directed that the inquiry would focus on whether any and, if so, which of the authorities were responsible or negligent in the performance of their duties resulting in the convicts remaining at large for a period of six years or so.

A report has, pursuant to the above direction, been submitted by the Additional District and Sessions Judge, Court No.8, Deoria, on 26th February, 2013. From a reading of the Report it appears that the inquiry officer has found one Satish Chandra Shrivastava (then criminal clerk of the Chief Judicial Magistrate at Deoria) negligent in the discharge of his duties. The Report further points out that although one of the convicts, namely, Awadesh Kumar Singh, has already been taken into custody, other convict, namely, Sawaroo remains at large even now. The Report does not deal with the role played by the prosecuting agency of the State or negligence, if any, of any other agency in the discharge of its duty relating to the apprehension of the convicts.

In the circumstances and before we issue any further directions in the matter we consider it fit to direct notice to the Secretary, Home Department of the State of Uttar Pradesh to file an affidavit setting out the following information :

- (i) The total number of convicts who remain at large despite their conviction having attained finality.
- (ii) The offences, for which these convicts have been found guilty and sentence of imprisonment awarded to them as also the period for which they are at large despite dismissal of their appeals/revisions be also indicated.
- (iii) Whether the State has any mechanism for keeping track of cases in which the accused are convicted and sentenced to imprisonment. If so, what is that mechanism and who are the persons/agencies responsible for ensuring apprehension

and detention of such convicts who have exhausted all the legal remedies available to them.

- (iv) Whether mechanism in place is effective having regard to the number of convicts at large despite their conviction having attained finality. If it is not, whether the State proposes to remove the deficiency in such mechanism to ensure that those who are guilty and convicted are apprehended and sent behind the bars to serve out the sentence.
- (v) Whether in the case at hand, the prosecuting agency or any other agency concerned with the arrest and detention of the accused/convicts has taken any steps for the apprehension of the absconding convicts. If so, to what result. The details of the steps, if any taken by the State Agency concerned, may be set out.
- (vi) Has anyone within the said agency neglected the discharge of his duty of apprehending the convicts, Awadesh Kumar Singh and Sawaroo in the present case? If so, whether the State proposes to institute any inquiry into the conduct of those responsible for such negligence.

The affidavit shall be filed within six weeks. In case the needful is not done, the Home Secretary shall remain present in-person to assist this Court on the next date of hearing.

Mr. Vivek Vishnoi, learned counsel appearing for the State of Uttar Pradesh, undertakes to communicate this order to the Home Secretary for compliance.

Post on 10th September, 2013

| (Mahabir Singh)  
| Court Master

| (Veena Khara)  
| Court Master

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