

## VERDICTUM.IN

### Court No. - 77

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 12383 of 2021

Applicant :- Sadim And 2 Others

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohammad Zakir, Vinod Singh

Counsel for Opposite Party :- G.A., Syed Ali Imam

### Hon'ble Mrs. Manju Rani Chauhan, J.

List is revised. Learned counsel for the applicants is not present. Learned A.G.A. states that this case may be adjourned as the record is not available with him.

Today, total listing of cases before this Court is 115. Of them, after passing final orders in 62 cases and 33 interlocutory, in 20 cases learned Additional Government Advocates sought adjournment on the ground of non-availability of files whereas the list was published two days before. Such apathy at the end of the State does not commend acceptance, rather compels this Court to encapsulate the obstacles being raised in administration of justice by the State, faced by this Court and suffered by a litigant.

State owns prime responsibility and bounden duty to protect rights of the citizens and infuse faith over the established Institutions. Top brass in present regime functions with speed and scale as required for in public interest with prospective intent and vision. However, response of its functionaries manifests an alien state.

This Court experiences that learned Additional Government Advocates are vulnerable to render assistance in most of the cases in absence of their record which is a stumbling block to administration of early justice. Due to which the Court finds it difficult to move forward to decide the pending cases on the fixed date. It has become a fashion to seek adjournment by the State Counsel either on the ground of unavailability of record or instructions.

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Being responsible to protect human rights, burden to clear off the pendency lies over the State also as sans the required assistance justice is not possible to be administered to the needy ones to whom State is obliged to secure early justice. Thus, keeping note of the lofty ambition of the System and need of the day, some measures are needed to be enforced so as to save time of the Court resulting in rendering easy and immediate justice and giving room to other litigants who are waiting for their turn since long.

Bearing in mind the call which feels to be of utmost consideration in the present time and to iron out the entrapped ineffectual practice, the State is required to act upon and introduce an efficacious mode ensuring zero adjournment on its behalf either to place instructions or any affidavit ensuring that cases be not adjourned due to indolence of State Officials who play role in providing records to State Counsel or instructions / counter affidavit.

Insofar as the adjournment sought on behalf of the State, today, in as many as 20 cases though infer to deal with starkly, however, this Court desists from it, at this stage, with a careful note to the State that failure in circumspection on the part of Government Counsel would attract imposition of heavy costs.

List this case on 16<sup>th</sup> February, 2023.

A copy of this order be sent to learned Advocate General, U.P., Government Advocate, High Court, Allahabad and Principal Secretary (Law), U.P., Lucknow.

Registrar General of this Court shall ensure that the order be communicated to all concerned forthwith.

**Order Date :- 31.1.2023**

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