

Case :- APPLICATION U/S 482 No. - 11357 of 2024

Applicant :- Smt Vidya Singh

Opposite Party :- State Of U.P. And 4 Others

Counsel for Applicant :- Surya Pratap Singh Parmar

Counsel for Opposite Party :- G.A.

Hon'ble Vikram D. Chauhan,J.

1. On 10.4.2024, the following order was passed:

"1. Learned counsel for the applicant submits that in the present case, accused-persons are not appearing before the court concerned and non bailable warrant and proceedings under Sections 82 & 83 Cr.P.C. have been issued, however, police authorities are not executing the same and are not ensuring the appearance of accused-persons.

2. Learned AGA prays for and is granted 10 days' time to obtain instruction as to why accused-persons are not being produced before the court concerned in pursuance to non bailable warrant and proceedings under Sections 82 & 83 Cr.P.C.

3. List this case on 30.4.2024 as fresh."

2. Learned AGA was granted time to obtain instruction further on 30.4.2024.

3. Today, learned AGA on instruction submits that police has visited the house of accused-persons, however, they were not found there.

4. Perusal of order sheet of the court concerned would demonstrate that non bailable warrant was issued on 8.12.2021. It is very strange that police is not able to find out accused-persons for last three years. Under the Police Act, it is the duty of the police to serve warrant. Non service of warrant, shows that police is not interested in serving warrant. Such a situation cannot be permitted to continue. The police authority cannot make statement before the Court that accused-persons are not traceable. It is the duty of the police to find out the accused-persons where they are in India and produce them before the Court concerned.

5. This Court was issuing notice to the Director General of Police for conduct of police department, Bhadohi, however, at the instance of learned AGA, the Court is not proceeding at this stage, as learned AGA has assured that he will talk to Superintendent of

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Police, Bhadohi in the matter and step be taken for arrest of accused immediately.

5. On the assurance of learned AGA, let the matter come up again 28.5.2024 in top ten cases.

6. On the next date, Superintendent of Police, Bhadohi shall file his personal affidavit.

Order Date :- 23.5.2024

D. Tamang