

Court No. - 69

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 26885 of 2020

Applicant :- Sajjan Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Chandra Prakash Pandey, Abhilasha Singh, Ashutosh Yadav, Narendra Kumar Tiwari, Radhey Shyam Shukla, Shyam Lal, Vinay Kumar Srivastava

Counsel for Opposite Party :- G.A., Nitinjay Pandey, Upendra Upadhyay

Hon'ble Samit Gopal, J.

Order on Bail Application

1. List revised.

2. Ms. Abhilasha Singh, learned counsel for the applicant, Sri Nitinjay Pandey, learned counsel for the first informant and Sri Bade Lal Bind, learned counsel for the State are present.

3. On 26.09.2023 the following order was passed by this Court:-

"1. List revised. No one appears on behalf of the applicant to press this bail application. Sri D.N. Mishra, learned counsel for the State is present. Sri Nitinjay Pandey and Sri Upendra Upadhyay, learned counsels for the first informant are also not present even when the matter has been taken up in the revised list.

2. This is a second bail application.

3. The matter is listed in the additional/unlisted-1 list today. The Bench Secretary informs the Court that the list and file has reached the Court during lunch hours. It appears that due to the said reason, there might be possibility that learned counsels for the parties may not have got information about the matter being listed today.

4. The records show that the first bail application was rejected by this Court vide order dated 9.7.2020 passed in Criminal Misc. Bail Application No.19075 of 2020. The order sheet shows that the matter was being listed before this Court regularly on 8.2.2021, 13.9.2021, 30.11.2021, 18.10.2022 and 24.11.2022. The matter then appears to be listed before another Bench of this Court on 14.09.2023. There is an office report dated 26.9.2023 that the matter is to be listed before this Court.

5. The Registrar Listing of this Court to give a report within three days as to how the matter was listed before another Bench on 14.9.2023.

6. Let the matter be listed on 04.10.2023."

4. A report in sealed cover by the J.R. (J) (Listing), High Court, Allahabad, flagged 'A' has been placed in the records which has been opened before this Court under the courts direction.

5. Learned counsel for the applicant submits that the trial in the matter has started and the testimony of some witnesses have been recorded and she wants to bring them on record by means of a supplementary affidavit and prays for three weeks' time for the same.

6. Prayer is allowed.

7. Let the matter be listed on 22nd November, 2023.

Order with regard to report of the J.R. (J) (Listing), High Court, Allahabad

1. This Court has perused the said report. The same is directed to be sealed before the Court itself forthwith by the concerned office.

2. Perusal of the report goes to show that a particular ID has been used for a feeding in the computer which is not on the basis of any order passed in the matter. Subsequently it appears that after the previous order the said entry has been changed by the user of the same ID. It is really surprising to note that once an entry is made in the computer, how the same after passage of sufficient time is changed. The same appears to be with the nod of the concerned persons of N.I.C., High Court, Allahabad. The report further states that there have been four other instances done from the same ID by which matters have been marked in other Courts without any order.

3. In view of the same, the Registrar General of this Court is directed to conduct a detailed enquiry as per rules and take appropriate action against the delinquent persons. The Registrar General shall also ensure that the persons found involved in the matter as per the report of the J.R. (J) (Listing) are kept away from having access to computer system so that further mischief is avoided. The said enquiry be concluded within four weeks positively and its report be placed before this Court in Chambers at 4:00 pm on 07.11.2023.

4. The enquiry shall proceed separately since the present matter is a bail application and the same needs to be decided expeditiously and as such there should not be any impediment in deciding of the same even during the pendency of the said enquiry.

5. The Inquiry Officer shall also inquire regarding the role of the concerned persons of N.I.C., High Court, Allahabad as the fact which appears from the enquiry report goes to show that the feeding once done has been changed without any judicial order or administrative order which cannot be permitted to be done in any manner. It is not permissible at all. This thus brings the system in N.I.C. also suspect.

Order Date :- 4.10.2023

AS Rathore

(Samit Gopal,J.)