



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 1433 of 1984

Anand Prakash

.....Appellant(s)

Versus

State

.....Respondents(s)

Counsel for Appellant(s) : Virendra Saran
Counsel for Respondent(s) : A.G.A.

Court No. - 44

**HON'BLE J.J. MUNIR, J.
HON'BLE SANJIV KUMAR, J.**

1. On the 10th of December, 2025, we passed the following order:

"In this case, through we would have normally issued an NEC, since the learned counsel for the sole appellant has, since long, been elevated to the Bench and retired, but considering the report of the Joint Registrar (J) (Inspection) dated 18.10.2016 and some reflection of it in the order of the Court dated 05.07.2018, which shows that the sole appellant has gone missing, we direct that a bailable warrant be issued against the sole appellant, Anand Prakash, through the learned Chief Judicial Magistrate, Budaun. The bailable warrant will require the sole appellant, Anand Prakash to surrender before the learned Chief Judicial Magistrate, Budaun, on or before **17.12.2025**.

The learned Chief Judicial Magistrate, Budaun, shall, upon the appellant surrendering, release him on bail if he furnishes a personal bond in the sum of Rs.20,000/- and two sureties in the like amount to the learned Chief Judicial Magistrate's satisfaction, together with an undertaking that he will appear before this Court on 18.12.2025 at 2:00 p.m.

The bailable warrant shall be caused to be served upon the sole appellant by the learned Chief Judicial Magistrate, Budaun, through the Superintendent of Police, Budaun. The

Superintendent of Police, Budaun, is ordered to ensure that the appellant, Anand Prakash is served the warrant, wherever he might be hiding, and the warrant shall not be returned unexecuted unless the Police are in a position to say on oath, with evidence annexed, that the appellant, Anand Prakash, has died or left the country. The warrant has to be served by the Superintendent of Police, Budaun, in whichever part of the country the appellant, Amand Prakash, may have relocated himself.

List this appeal on **18.12.2025 at 2:00 p.m.**

Let this order be communicated to the learned Chief Judicial Magistrate, Budaun, and through him, to the Superintendent of Police, Budaun by the Registrar (Compliance) within 24 hours. "

2. In compliance with the said order, the learned Chief Judicial Magistrate, Badaun has submitted a report dated 17th December, 2025, the material part whereof reads:

"माननीय उच्च न्यायालय, इलाहाबाद के आदेश दिनांकित 10.12.2025 के अनुपालन में वरिष्ठ पुलिस अधीक्षक को इस आशय का पत्र प्रेषित किया गया। संबंधित थानाध्यक्ष/प्रभारी निरीक्षक द्वारा इस आशय आख्या प्रस्तुत की अपीलार्थी/अभियुक्त आनन्द प्रकाश पुत्र रामचन्द्र निवासी मौहल्ला साहूकारा कूचा सादली थाना कोतवाली जिला बदायूँ को सम्भावित स्थानों पर तलाश किया गया व मौहल्ला के लोगों से जानकारी की गई तो वताया कि आनन्द प्रकाश चाऊ की गली थाना मझोला जनपद मुरादाबाद में निवास कर रहा है। उक्त पर मैं उपनिरीक्षक मय हमराह के साथ चाऊ की गली थाना मझोला जनपद मुरादाबाद आया चौकी प्रभारी (रामतलिया) के साथ चाऊ की गली में तलाश किया कोई जानकारी नहीं हुई। सर्वथन में थाने की जी०डी० सगलन है।

इस पत्र के साथ थाने की आख्या व जी०डी० एवं सभासद की तहरीर की छायाप्रति माननीय न्यायालय को अवलोकानार्थ प्रेषित की जा रही हैं।"

3. Enclosed with the report of the Chief Judicial Magistrate is a memo dated 12th December, 2025 addressed to the Senior Superintendent of Police, Badaun, which must be quoted for every word of it:

"प्रेषक,

अति आवश्यक

मुख्य न्यायिक मजिस्ट्रेट,
बदायूँ।

सेवा में,

वरिष्ठ पुलिस अधीक्षक,
जनपद बदायूँ।

विषय:- माननीय उच्च न्यायालय, इलाहाबाद में लम्बित फौजदारी अपील संख्या 1433/1984, आनन्द प्रकाश आदि बनाम स्टेट ऑफ यूपी. में अपीलार्थी/अभियुक्त आनन्द प्रकाश पुत्र रामचन्द्र निवासी मौहला साहूकारा कूचा सादली थाना कोतवाली जिला बदायूँ के विरुद्ध निर्गत जमानती अधिपत्र का निष्पादन कराये जाने के संबंध में।

महोदय,

उपरोक्त विषय के सन्दर्भ में आपको अवगत कराना है कि उपरोक्त फौजदारी अपील माननीय उच्च न्यायालय, इलाहाबाद में लम्बित है माननीय उच्च न्यायालय द्वारा पारित आदेश दिनांकित 10.12.2025 इस न्यायालय को ई-मेल के माध्यम से इस निर्देश के साथ प्राप्त हुआ है।

अपीलार्थी/अभियुक्त आनन्द प्रकाश पुत्र रामचन्द्र निवासी मौहला साहूकारा कूचा सादली थाना कोतवाली जिला बदायूँ के विरुद्ध निर्गत जमानती अधिपत्र पर गिरफ्तार कर इस न्यायालय के समक्ष दिनांक **16.12.2025** तक पेश करें,

अतः आपसे अपेक्षा की जाती है कि आप संबंधित प्रभारी निरीक्षक /थानाध्यक्ष को निर्देशित करें कि वह अभियुक्त उपरोक्त के विरुद्ध सला जमानती वारण्ट का निष्पादन उपरोक्तानुसार **दिनांक 16.12.2025** तक माननीय उच्च न्यायालय के आदेश के अनुपालन में किया जाना सुनिश्चित करें।

नोट - जमानतनामें इस न्यायालय द्वारा हीं स्वीकार किये जायेंगे।

संलग्नक- जमानती अधिपत्र 01 पत्र

दिनांक 12.12.2025

भवदीय

sd/- (illegible)

मुख्य न्यायिक मजिस्ट्रेट,
बदायूँ"

4. A copy of our order dated 10th December, 2025 was forwarded by the Registrar (Compliance) to the Senior Superintendent of Police, Badaun as well through the Chief Judicial Magistrate, Badaun.

5. The Senior Superintendent of Police has not carried out our orders but reported that the missing man cannot be found. He has not shown courtesy of reporting to the learned Chief Judicial Magistrate himself, in response to the Chief Judicial Magistrate's memo of 12th December, 2025. Instead, he has asked a sundry Sub-Inspector of Police, posted at Kotwali, Badaun to address a letter to the Chief Judicial Magistrate of

the district which has been forwarded by the Station House Officer, Police Station- Kotwali, Badaun on 17.12.2025.

6. It is the Sub-Inspector who has reported to the learned Chief Judicial Magistrate that the bailable warrants issued by this Court against Anand Prakash son of Ram Chandra could not be executed because he is not traceable, either in Badaun or his present address given to the Police somewhere in the district of Moradabad.

7. It is downright impertinence *prima facie* on the Senior Superintendent of Police's part to ask a Sub-Inspector serving in a police station to write a letter to the Chief Judicial Magistrate of the district when the Chief Judicial Magistrate had written a memo to the Senior Superintendent of Police himself under our orders. Even if he had written of his own with regard to a process of his Court, minimum courtesy required that the Senior Superintendent of Police should have personally responded by a memo, instead asked a sub-Inspector to write back to the learned Chief Judicial Magistrate.

8. The other and substantial matter is that we had said in our order dated 10th December, 2025 that the warrant shall not be returned unexecuted, unless the Police are in a position to say on oath with affidavit annexed that the appellant, Anand Prakash has died or left the country. None of those contingencies have been reported. In the circumstances, the Senior Superintendent of Police, Badaun is *prima facie* in contempt of our order as well.

9. In the circumstances, let the Senior Superintendent of Police, Badaun file a personal affidavit **by tomorrow** showing cause

(1) why a separate civil contempt matter may not be directed to be registered against him and directed to be placed before the learned Judge holding roster in contempt matters;

(2) why he has failed to apprehend the appellant and produce him before us when the two contingencies, wherein alone he could have reported failure, were indicated in our order dated 10.12.2025; and,

(3) why he did not report back to the learned Chief Judicial Magistrate by his own memo instead of asking a sub inspector to write to the learned Chief Judicial Magistrate.

10. The said affidavit shall be filed **tomorrow by 2.00 p.m.**, and, in default, the Senior Superintendent of Police, Badaun shall appear in person before this Court.

11. List **tomorrow at 2.00 p.m.**

12. Let this order be communicated to the Senior Superintendent of Police, Badaun through the learned Chief Judicial Magistrate, Badaun by the Registrar (Compliance) **forthwith**.

(Sanjiv Kumar,J.) (J.J. Munir,J.)

December 18, 2025

Prashant D.