

OFFICE OF THE DISTRICT JUDGE, PRAYAGRAJ
Admin. Order No. 79 **Dated : February 11, 2025**

ORDER

Vide e-mail dt.10.02.2025 received at 04.40.07 PM from Hon'ble High Court's Compliance Section, a copy of Hon'ble High Court's Order dt. 24.01.2025, passed in CRIMINAL MISC. BAIL APPLICATION No. 34813 OF 2024: Faiz Alias Faizoo Vs. State of U.P., has been provided for ensuring strict compliance and communicating the same to the trial court for necessary compliance and to submit the desired report, as directed by Hon'ble Court, without fail.

2. Vide Order dt. 24.01.2025, Hon'ble High Court has been pleased to direct as under :

".....

This is the second bail application. On 03.10.2023 the following order was passed in the first bail application registered as Criminal Misc. Bail Application No. 9224 of 2023 (Faiz @Faizoo Vs. State of U.P.).

"By means of the bail application the applicant has prayed to be enlarged on bail in Case Crime No. 147 of 2022 at Police Station-Phaphamau District Prayagraj under Sections 147, 148, 149, 302, 307, 427, 120B, 212 I.P.C. The applicant is in jail since 07.06.2022.

The bail application of the applicant was rejected by the learned trial court on 30.11.2022.

The applicant has been identified as one of the four principal offenders who discharged the firearm with intent to kill. The postmortem report and the vehicle inspection report/field unit report corroborates the F.I.R. version of four persons opening indiscriminate firing against the accused. The deceased and the victim were surrounded by the aforesaid offenders and shot in a planned manner on account of land dispute. The case of the other co-accused who were named subsequently at a belated stage are distinguishable from the case of the applicant. The nomination of the applicant has been consistent in the FIR and the statements of various witnesses. The offence is grave. There is likelihood that the applicant committed the offence. At this stage, no case for bail is made out.

Without going into the merits of the case, the bail application is dismissed.

Considering the gravity of the offence, interest of justice will be served by directing the learned trial court to expedite the trial within a stipulated period of time.

The trial court is directed to conclude the trial within a period of one year from the date of receipt of a certified copy of this order. The learned trial court shall proceed with the hearing on a day to day basis to ensure that the above stipulated timeline of one year is strictly adhered to. All witnesses and counsels are directed to cooperate with the trial proceedings.



The trial court has also to be conscious of the rights of the accused persons and is under obligation of law to ensure that all expeditious, necessary and coercive measures as per law are adopted to ensure the presence of witnesses. Counsels or parties who delay or impede the proceedings should not only be discouraged from doing so but in appropriate cases exemplary costs should also be imposed on such parties/ counsel.

The learned trial court shall issue summons by regular process as per Section 62 Cr.P.C. and also by registered post as provided under Section 69 Cr.P.C. to expedite the trial.

The learned trial court shall promptly take out all strict coercive measures against all the witnesses in accordance with law who fail to appear in the trial proceeding. Counsels or parties who delay or impede the proceedings should not only be discouraged from doing so but in appropriate cases exemplary costs should also be imposed on such parties/ counsel.

The police authorities shall ensure that warrants or any coercive measures as per law taken out by the learned trial court to ensure that the attendance of the witnesses are promptly executed.

The Deputy Commissioner of Police, Prayagraj shall file an affidavit before the trial court on the date fixed regarding status of execution of the warrants/service of summons taken out by the learned trial court.

In case there is a failure on part of the police authorities to execute the warrants or other coercive measures, the Deputy Commissioner of Police, Prayagraj shall state the reasons for the same in the said affidavit and also show the steps taken to execute the warrants. The Deputy Commissioner of Police, Prayagraj shall simultaneously inform the Additional Director General of Police (ADG) Prayagraj Zone, about the aforesaid failure of the police authorities in the first instance to execute the warrants and coercive measures issued by the learned trial court. If required, the Additional Director General of Police (ADG) Prayagraj Zone, may issue an appropriate directions to ensure that the warrants issued are promptly executed by the learned trial court.

The delay in execution of warrants and consequent absence of witnesses is one of the principal causes of delays in criminal trials and has to be addressed effectively by all stakeholders.

The trial judge shall submit a fortnightly report on the progress of trial and the steps taken to comply with this order to the learned District Judge.

A copy of this order be communicated to the learned trial judge through the learned District Judge, Prayagraj by the Registrar (Compliance) by FAX."

Today when the matter is taken Shri Kamal Krishna, learned Senior Counsel assisted by Shri Patgendra Bhushan Misra, learned counsel for the applicant contends that the prosecution proposes to examine **31 prosecution witnesses** to bring home the charges. However, till date only **8 witnesses** have been examined. The applicant is in jail since **07.06.2022**. The trial is moving at a snail's pace and shows no sign of early conclusion. The applicant has been cooperating in the trial proceedings and has never adopted dilatory tactics. The applicant is not responsible for the delay in the trial proceedings. The prosecution is deliberately delaying the conduct of the trial only to prolong the incarceration of the applicant. The right of the applicant to speedy trial has been violated.

The aforesaid submissions prima facie discloses a rather

distressing state of affairs in the district judgship, Allahabad. This Court is noticing that a large number of similar cases are being reported from the judgship of Allahabad. The District Judge, Allahabad was alerted to the dismal state of affairs in the judgship and was directed to take note of the peculiar conditions in the Allahabad Judgship. But to no avail. The Court reiterates its directions.

The learned District Judge, Allahabad shall look into the matter and examine the cause for what prima facie appears to be an utter failure of the learned trial court to discharge the duties of conducting the trial in an expeditious time frame as contemplated in Section 309 Cr.P.C. and also the inability of the learned trial judges to realize the fundamental rights of an accused to a speedy trial and a prima facie disobedience of orders of this Court.

It is clarified that the above observations shall not be construed adversely against any judicial officer unless the District Judge comes to any other conclusion.

Learned District Judge, Allahabad shall send a fresh status report on the next date of listing and explain the cause for the delay despite orders of this Court.

*Learned trial judge shall also send a report regarding the **status of the trial** and **cause for the delay** in concluding the trial in Case Crime No. 147 of 2022 at Police Station Phaphamau District-Prayagraj under Sections 147, 148, 149, 302, 307, 427, 120B, 212 I.P.C. and also the following details in **tabulated form:-***

- (1) Dates on which chargesheet was filed and the charge was framed.*
- (2) Number of prosecution witnesses in the chargesheet.*
- (3) Number and particulars (i.e. name, nature of witness like eye witness and expert witness etc.) of prosecution witnesses proposed to be examined as per the charge sheet.*
- (4) List of proposed prosecution witnesses/calendar submitted before the trial court for examination during the trial.*
- (5) Names and number of prosecution witnesses who have been examined before the trial court with dates.*
- (6) Names and number of witnesses who have been summoned but have not attended the trial proceedings on the appointed dates with dates.*
- (7) Names and number of witnesses against whom coercive measures have been taken out with dates. List this case on **26.03.2025***

A copy of this order be communicated to the learned trial judge through the learned District Judge, Allahabad by the Registrar (Compliance) by FAX."

3. I have respectfully perused the copy of **Hon'ble High Court's** above **Order**.

4. It has been informed by the office that the Trail relating to Case



Crime No. 147 of 2022 under section 147, 148, 149, 302, 307, 427, 120-B, 212 I.P.C., Police Station Phaphamau, District Prayagraj is pending in the court of Additional District & Sessions Judge, Court No. 8, Prayagraj.

5. In compliance of the Hon'ble Court's directions, following order is passed with immediate effect :

- I. A copy of Hon'ble Court's above Order be immediately communicated to the Presiding Officer of trial court concerned i.e. Additional District & Sessions Judge, Court No. 8, Prayagraj with a direction to ensure compliance of Hon'ble Court's above orders in its letters and spirit and to **send report** to Hon'ble High Court, regarding the **status of the trial and cause for the delay** in concluding the trial (in Case Crime No. 147 of 2022 under section 147, 148, 149, 302, 307, 427, 120-B, 212 I.P.C., Police Station Phaphamau, District Prayagraj) and also with the **details in tabulated form** as desired by Hon'ble Court.
- II. The Trial Judge is further directed to submit fresh report regarding **status of trial** explaining the **cause of delay** in concluding the trial in question, **despite orders of Hon'ble Court** and the **steps taken to comply** with the orders of Hon'ble Court, to the undersigned, **positively by 20.03.2025**, so that the report as desired by Hon'ble can be submitted by the undersigned before the next dated fixed i.e. 26.03.2025. .
- III. All the trial judges of the Judgeship are hereby **alerted to their responsibilities for complying with the directions of Hon'ble Court in its letters and spirit** and make endeavours to conclude the trial expeditiously in accordance with law,, particularly where prisoners are languishing in jails for long periods, and, to submit details of year-wise disposal of trials (where prisoners are languishing in jail) by their Courts in **every Monthly Meeting** regularly, without any slippage.
- IV. The Trial Judges of the Judgeship are further directed to be conscious of the period of incarceration of the accused and is required by law to faithfully implement the mandate of Section 309 of the Cr.P.C. and also under an obligation to uphold the fundamental right of an accused to a speedy trial.
- V. All the Trial Judges as well as the Secretary, District Legal Services Authority, Prayagraj are hereby directed to provide necessary legal aid to the prisoner, in accordance with the directions given by Hon'ble High Court, in the matter of **Anil Gaur @ Sonu @ Sonu Tomar v. State of U.P. reported at 2022 SCC Online All 623 (Criminal Misc. Bail Application**



No.16961 of 2022).

VI. Further, concerned trial judges are directed to **submit regular fortnightly reports** on the progress of trial and the steps taken to comply with Hon'ble High Court's orders, to the undersigned, under orders of Hon'ble High Court.

6. In view of the displeasure shown by the Hon'ble Court regarding **utter failure of trial courts of the Judgeship to discharge the duties of conducting the trial in an expeditious time frame** as contemplated in Section 309 Cr.P.C. and also the **inability of learned trial judges to realize the fundamental rights of an accused to a speedy trial** and a **prima facie disobedience of orders of Hon'ble Court**, Additional District & Sessions Judge/Nodal Officer (Computer) **Sri Vinod Kumar Chaurasiya** is nominated as Monitoring-Officer. He is directed to obtain reports from the trial judges of the judgeship regarding progress of trials and the steps taken by them to comply with Hon'ble High Court's Orders, in all those trials/cases where direction for time bound disposal has been issued by Hon'ble Court and submit the same to the undersigned along with his own peculiar comments, in every Monthly Meeting.

Further, he is also directed to monitor the regular submission of fortnightly reports by the trial judges to the undersigned, in all such cases where directions for submission of fortnightly reports to the undersigned have been issued by Hon'ble Court.

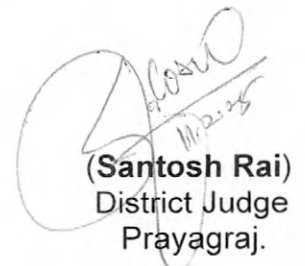
The System Officer and the System Assistant are directed to assist Sri Chaurasiya in collecting the relevant data and reports.

7. The System Officer is directed to provide a soft copy of this order to all the Trial Judges of the Judgeship for ensuring compliance.

8. A copy of this order be circulated among all the Trial Judges of the Judgeship for strict compliance.

Inform all the concerned.

Dated : February , 2025.


(Santosh Rai)
District Judge
Prayagraj.

Case Crime No. 147/2022
Under Section 147, 148,
149, 302, 307, 427, 120-B,
212 I.P.C., Police Station
Phaphamau, District
Prayagraj.

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

34813

CRIMINAL MISC. 2nd BAIL APPLICATION NO. OF 2024

(Under Section 439, Cr.P.C.)

DISTRICT: PRAYAGRAJ

Faiz @ Faizoo S/o Pappu, R/o Village Rudapur, Police Station
Phaphamau, District Prayagraj.

.....Applicant

(In Jail since 07.06.2022)

Notice No. - A202412 30289
Received Notice For Bail
Respondent No.
State of U.P. through Secretary Home, Lucknow.
Two Days Time Allowed For Bail

Versus.

For Government
High Court, Allahabad

.....Opposite Party

To,

The Hon'ble Chief Justice and his other companion judges of
the aforesaid court.

The humble application of the above named applicant most
respectfully showeth as under.

1. That for the full facts and circumstances of the case set out in
the accompanying affidavit which forms part of this application
which forms part of this application, it is expedient and
necessary in the interest of justice that this Hon'ble court may
graciously be pleased to release the applicant on bail in Case
Crime No. 147/2022, Under Section 147, 148, 149, 302, 307,

1/11/2024

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

①

Court No. - 5**Case :- CRIMINAL MISC. BAIL APPLICATION No. - 34813 of 2024****Applicant :- Faiz Alias Faizoo****Opposite Party :- State of U.P.****Counsel for Applicant :- Patgendra Bhushan Misra, Sr. Advocate****Counsel for Opposite Party :- G.A., Mahendra Bahadur Singh, Vijeta Singh****Hon'ble Ajay Bhanot, J.**

This is the second bail application. On 03.10.2023 the following order was passed in the first bail application registered as Criminal Misc. Bail Application No. 9224 of 2023 (Faiz @Faizoo Vs. State of U.P.).

"By means of the bail application the applicant has prayed to be enlarged on bail in Case Crime No. 147 of 2022 at Police Station-Phaphamau District-Prayagraj under Sections 147, 148, 149, 302, 307, 427, 120B, 212 I.P.C. The applicant is in jail since 07.06.2022.

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Without going into the merits of the case, the bail application is dismissed.

Considering the gravity of the offence, interest of justice will be served by directing the learned trial court to expedite the trial within a stipulated period of time.

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The trial court is directed to conclude the trial within a period of one year from the date of receipt of a certified copy of this order. The learned trial court shall proceed with the hearing on a day to day basis to ensure that the above stipulated timeline of one year is strictly adhered to. All witnesses and counsels are directed to cooperate with the trial proceedings.

The trial court has also to be conscious of the rights of the accused persons and is under obligation of law to ensure that all expeditious, necessary and coercive measures as per law are adopted to ensure the presence of witnesses. Counsels or parties who delay or impede the proceedings should not only be discouraged from doing so but in appropriate cases exemplary costs should also be imposed on such parties/ counsel.

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In case there is a failure on part of the police authorities to execute the warrants or other coercive measures, the Deputy Commissioner of Police, Prayagraj shall state the reasons for the same in the said affidavit and also show the steps taken to execute the warrants. The Deputy Commissioner of Police, Prayagraj shall simultaneously inform the Additional Director General of Police (ADG) Prayagraj Zone, about the aforesaid failure of the police authorities in the first instance to execute the warrants and coercive measures issued by the learned trial court. If required, the Additional Director General of Police (ADG) Prayagraj Zone, may issue an appropriate directions to ensure that the warrants issued are promptly executed by the learned trial court.

The delay in execution of warrants and consequent absence of witnesses is one of the principal causes of delays in criminal trials and has to be addressed effectively by all stakeholders.

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A copy of this order be communicated to the learned trial judge through the

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learned District Judge, Prayagraj by the Registrar (Compliance) by FAX."

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The aforesaid submissions prima facie discloses a rather distressing state of affairs in the district judgship, Allahabad. This Court is noticing that a large number of similar cases are being reported from the judgship of Allahabad. The District Judge, Allahabad was alerted to the dismal state of affairs in the judgship and was directed to take note of the peculiar conditions in the Allahabad Judgship. But to no avail. The Court reiterates its directions.

The learned District Judge, Allahabad shall look into the matter and examine the cause for what prima facie appears

4/06/2022

to be an utter failure of the learned trial court to discharge the duties of conducting the trial in an expeditious time frame as contemplated in Section 309 Cr.P.C. and also the inability of the learned trial judges to realize the fundamental rights of an accused to a speedy trial and a prima facie disobedience of orders of this Court.

It is clarified that the above observations shall not be construed adversely against any judicial officer unless the District Judge comes to any other conclusion.

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Learned trial judge shall also send a report regarding the status of the trial and cause for the delay in concluding the trial in Case Crime No. 147 of 2022 at Police Station-Phaphamau District-Prayagraj under Sections 147, 148, 149, 302, 307, 427, 120B, 212 I.P.C. and also the following details in tabulated form:-

- (1) Dates on which chargesheet was filed and the charge was framed.
- (2) Number of prosecution witnesses in the chargesheet.
- (3) Number and particulars (i.e. name, nature of witness like eye witness and expert witness etc.) of prosecution witnesses proposed to be examined as per the charge sheet.

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- (4) List of proposed prosecution witnesses/calendar submitted before the trial court for examination during the trial.
- (5) Names and number of prosecution witnesses who have been examined before the trial court with dates.
- (6) Names and number of witnesses who have been summoned but have not attended the trial proceedings on the appointed dates with dates.
- (7) Names and number of witnesses against whom coercive measures have been taken out with dates.

List this case on 26.03.2025.

A copy of this order be communicated to the learned trial judge through the learned District Judge, Allahabad by the Registrar (Compliance) by FAX.

Order Date :- 24.1.2025
Dhananjai

Sd/ Ajay Bhambot, J

TRUE COPY
for Section Officer
Criminal Department
High Court, Allahabad
21/25