

OFFICE OF THE DISTRICT JUDGE, PRAYAGRAJ
Admin. Order No. 175 **Dated : April 04, 2025**

ORDER

Vide e-mail dt. **03.04.2025** received at **11.44.48 AM** from **Hon'ble High Court's Compliance Section**, a copy of **Hon'ble High Court's Order dt. 07.03.2025**, passed in **CRIMINAL MISC. BAIL APPLICATION No. 43716 OF 2024: Shyamu Patel Alias Rajesh Kumar Vs. State of U.P.**, has been provided for ensuring strict compliance and communicating the same to the trial court for necessary compliance, as directed by Hon'ble Court, without fail, as the case is again listed on

2. Vide Order dt. 07.03.2025, Hon'ble High Court has been pleased to direct as under :

"On 22.1.2025, the following order was passed:

'The applicant is in jail since 27.07.2023.

The following directions were passed by this Court on 06.11.2023 in Criminal Misc. Bail Application No. 37457 of 2023:

"By means of this bail application the applicant has prayed to be enlarged on bail in Case Crime No. 400 of 2023 at Police Station Soraon District Prayagraj under Sections 376, 506 I.P.C. and Section 67 of I.T. Act. The applicant is in jail since 27.07.2023.

The bail application of the applicant was rejected by learned trial court on 10.08.2023.

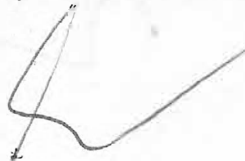
The applicant has been nominated as the principal offender who committed rape and took obscene videos of the victim. This caused irreparable damage to the victim. The indecent videos and photographs which are traced to the applicant are being duly recovered. The victim is vulnerable. The offence is grave. There is likelihood that the applicant had 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 contemplated 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, 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, Allahabad by the Registrar (Compliance) by FAX.'

The status report sent by the trial court records that the prosecution proposes to examine 9 witnesses. Till date not a single witness has been examined.

Prima facie there appears to be disobedience of the directions of this Court. This Court is repeatedly noticing a disarray in the Judgeship of Allahabad, which the learned District Judge should sit up and take notice of.

The District Judge, Allahabad shall explain the cause for prima facie non compliance of the directions of this Court and the steps taken to comply with the orders of this Court.

Learned trial judge, Allahabad shall forthwith send a fresh report regarding the status of the trial and cause for the delay in concluding the trial in Case Crime No. 400 of 2023 under Sections 376, 506 IPC and Section 67 of Information Technology Act, Police Station- Soraon, District Allahabad and also with the following details in tabulated form:-

- (1) Date on which the chargesheet was filed.
- (2) Date on which the charge was framed.
- (3) List of proposed prosecution witnesses/calendar submitted before the trial court for examination during the trial.



(4) 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.

(5) Number of prosecution witnesses in the chargesheet.

(6) Names and number of prosecution witnesses who have been examined before the trial court with dates.

(7) Names and number of witnesses who have been summoned but have not attended the trial proceedings on the appointed dates with dates.

(8) Names and number of witnesses against whom coercive measures have been taken out with dates.

Put up this matter on **28.02.2025** in the list of fresh cases. The trial court shall also disclose the cause for prima facie disobedience of the directions of this Court.

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

The status report sent by the trial court discloses that till date, only three witnesses have been examined. As per trial court, the cause for failure to examine the prosecution witnesses is on account of Kumbh Mela.

Prima facie, there is no satisfactory cause for noncompliance of the directions of this Court issued in Criminal Misc. Bail Application No. 37457 of 2023 on 6.11.2023.

Learned District Judge shall send a report regarding compliance of the directions in Criminal Misc. Bail Application No. 37457 of 2023 by the learned trial court and the cause for the delay in concluding the trial.

Learned trial court to send a separate report regarding the compliance of the said directions of this Court and cause for the delay in the trial and shall disclose the status of the trial in Case Crime No. 400 of 2023 under Sections 376, 506 IPC and Section 67 of Information Technology Act, Police Station- Soraon, District Allahabad along with 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 matter on **22.4.2025**.



Needless to add at this stage no observation made above shall be construed as adverse to any judicial order.

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

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 Trial relating to Case Crime No. 400 of 2023 under section 376, 506 and Section 67 of Information Technology Act, Police Station Soraon, District Prayagraj is pending in the court of Additional Sessions Judge/Fast Track Court No. II, 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 Sessions Judge/Fast Track Court No. II, Prayagraj with a direction to ensure compliance of Hon'ble Court's above order in its letters and spirit and to **send a separate report** to Hon'ble High Court, regarding **compliance of Hon'ble Court's aforesaid directions** and **cause for the delay** in the trial (in Case Crime No. 400 of 2023 under Sections 376, 506 IPC and Section 67 of Information Technology Act, Police Station- Soraon, District Allahabad) and **disclose the status of trial** along with the aforesaid **details in tabulated form** as desired by Hon'ble Court.
- II. The Trial Judge is further directed to send separate report to the undersigned regarding **compliance of the Hon'ble Court's directions passed in Criminal Misc. Bail Application No. 37457 of 2023 and the cause for the delay in concluding the trial, positively by 07.04.2025.**
- 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

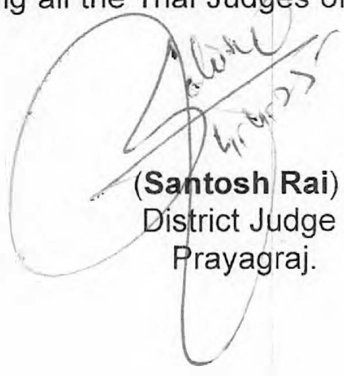


fundamental right of an accused to a speedy trial.

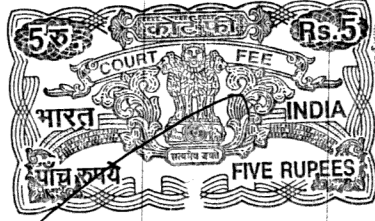
- V. All the Trial Judges as well as the Secretary, District Legal Services Authority, Prayagraj are hereby directed to provide necessary legal aid to the prisoner, in accordance with the directions given by Hon'ble High Court, in the matter of **Anil Gaur @ Sonu @ Sonu Tomar v. State of U.P. reported 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. The System Officer is directed to provide a soft copy of this order to all the Trial Judges of the Judgeship for ensuring compliance.
7. A copy of this order be circulated among all the Trial Judges of the Judgeship for strict compliance.

Inform all the concerned.

Dated : April , 2025.



(Santosh Rai)
District Judge
Prayagraj.



In Case Crime No. 400 of 2023, under Section 376, 506 I.P.C. and 67 Information Technology Act, Police Station-Soraon, District-Prayagraj.

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

43716

CRIMINAL MISC. IInd BAIL APPLICATION NO. _____ OF 2024

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

DISTRICT: PRAYAGRAJ (ALLAHABAD)

Shyamu Patel @ Rajesh Kumar S/o Rajbahadur, R/o Village Bankat, Police Station-Soraon, District-Prayagraj.

.....Applicant

(In Jail since 27.07.2023)

(In Case Crime No. 400 of 2023, under Section 376, 506 I.P.C. and 67 Information Technology Act, Police Station-Soraon, District-Prayagraj.

Notice No.-A202412 43664
 Received Notice For Bail
 For Applicant No.....
 Two Days Time May Be Allowed For Institution
 22/11/24
 For Government Advocate
 High Court, Allahabad

VERSUS

State of U.P. through the Principal Secretary (Home) U.P. at Lucknow.

.....Opposite Party

To,

The Hon'ble the chief justice and his other companion judges of the aforesaid court.

The humble application of the abovenamed applicant most respectfully showeth as under:

1. That the full facts and circumstances have already been stated in the accompanying affidavit.
2. That in the facts and circumstances of the case it is in the interest of justice that the Hon'ble Court may be pleased to release the applicant on bail in Case Crime No. 400 of 2023, under Section 376, 506 I.P.C. and 67

22/11/24

21/11

Court No. - 5

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43716 of 2024

Applicant :- Shyamu Patel Alias Rajesh Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Devendra Kumar Tiwari

Counsel for Opposite Party :- G.A., Shaurya Sharma

Hon'ble Ajay Bhanot, J.

On 22.1.2025, the following order was passed:

"The applicant is in jail since 27.07.2023.

The following directions were passed by this Court on 06.11.2023 in Criminal Misc. Bail Application No. 37457 of 2023:-

"By means of this bail application the applicant has prayed to be enlarged on bail in Case Crime No. 400 of 2023 at Police Station Soraon District Prayagraj under Sections 376, 506 I.P.C. and Section 67 of I.T. Act. The applicant is in jail since 27.07.2023.

The bail application of the applicant was rejected by learned trial court on 10.08.2023.

The applicant has been nominated as the principal offender who committed rape and took obscene videos of the victim. This caused irreparable damage to the victim. The indecent videos and photographs which are traced to the applicant are being duly recovered. The victim is vulnerable. The offence is grave. There is likelihood that the applicant had 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,

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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 contemplated under Section 69 Cr.P.C. to expedite the trial.

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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, Allahabad by the Registrar (Compliance) by

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(3)

FAX. "

The status report sent by the trial court records that the prosecution proposes to examine nine witnesses. Till date not a single witness has been examined.

Prima facie there appears to be disobedience of the directions of this Court. This Court is repeatedly noticing a disarray in the Judgeship of Allahabad, which the learned District Judge should sit up and take notice of.

The District Judge, Allahabad shall explain the cause for prima facie non compliance of the directions of this Court and the steps taken to comply with the orders of this Court.

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Put up this matter on 28.02.2025 in the list of fresh cases. The trial court shall also disclose the cause for prima facie disobedience of the directions of this Court.

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

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Prima facie, there is no satisfactory cause for non-compliance of the directions of this Court issued in Criminal Misc. Bail Application No. 37457 of 2023 on 6.11.2023.

Learned District Judge shall send a report regarding compliance of the directions in Criminal Misc. Bail Application No. 37457 of 2023 by the learned trial court and the cause for the delay in concluding the trial.

Learned trial court to send a separate report regarding the compliance of the said directions of this Court and cause for the delay in the trial and shall disclose the status of the trial in Case Crime No. 400 of 2023 under Sections 376, 506 IPC and Section 67 of Information Technology Act, Police Station- Soraon, District Allahabad along with the following details in tabulated form:-

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✓ 28/03/24 p. 7 ✓

(5)

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List this matter on 22.4.2025.

Needless to add at this stage no observation made above shall be construed as adverse to any judicial order.

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

Order Date :- 7.3.2025/Mohini

Ed Ajay Bhambhani J
TRUE COPY

for 4/28/03/25
Section Officer
Criminal Department
High Court, Allahabad