

**HIGH COURT OF JUDICATURE AT ALLAHABAD
AMENDMENT (ADMIN G-II) SECTION**

NOTIFICATION

NO. 135 / VIIIb / Admin G-II/Allahabad
(Correction Slip No. 72)

Dated: 26/02/2024

In exercise of powers conferred by Article 227 of the Constitution of India and Section 477 of the Criminal Procedure Code, 193 read with section 21 of General Clause Act, 1897 the High Court of Judicature at Allahabad with the previous approval of the Government of Uttar Pradesh, pleased to make the following amendments in General Rules (Criminal), 1977

THE GENERAL RULES CRIMINAL (AMENDMENT), 2019

1.	Short Title-	These rules shall be called " The General Rules Criminal (Amendment), 2019.
2.	Commencement and Application-	(1) These rules shall come into force from the date of publication in the official gazette ; (2) These rules shall apply to proceedings and matters in all criminal Courts subordinate to the High Court of Judicature at Allahabad, commenced on or subsequent to the date of publication in the official gazette and pending in such Courts on that date.
3.	Definitions-	(A) The Rules means ' The General Rules (Criminal) 1977 '.
4.	Addition of new Chapter	After Chapter XI of the Rules new " Chapter XI-A- CONSIGNMENT OF RECORDS ON ABSCONDING OF ACCUSED " shall be added;
5.	New Rules in the new Chapter	After rule 116, the following new rules shall be inserted in Chapter XI-A of the Rules; "116-A. Efforts to procure attendance of accused- When an accused is absent for a long time in a criminal case, the court shall ensure that warrant of arrest, proclamation and order of attachment under the provisions of Chapter VI-B & C of Cr.P.C. have been issued and the same have been effectively and actually executed and shall take all the efforts, steps and measures to enforce the attendance of accused person.

116-B. Proof of absconding of accused-

(1) When it is found that an accused person has absconded and there is no immediate prospect of his arrest and appearance in Court, the Court shall record evidence of Police Officers and persons who have executed the process/warrants, proclamation and attachment order against the accused alongwith evidence of such other persons who have corroborations or testified that accused person is absconding.

(2) After recording the evidence under rule 116-B, the Court shall record the reasons of his satisfaction that accused is absconding and there is no immediate prospect of his arrest and appearance in the Court.

116-C. Examination and recording of deposition of the witnesses-

(1) The Court competent to try or to commit for trial, such person for the offence complained of may, in his absence, examine the witnesses, produced on behalf of the prosecution and record their depositions.

(2) The Court may examine all the witnesses of fact and also the formal witnesses relied on by the prosecution and record their depositions, in the cases of offences punishable with death or imprisonment for life or imprisonment for ten years.

116-D. Consignment of record and issuance of standing warrant-

(1) After the examination of prosecution under rule 116-C, the Court shall record an order mentioning the details of the proceedings of the matter and also the reasons of satisfaction to direct the consignment of record after closing the proceedings of the case and shall direct to issue standing non bailable warrant against the accused with the direction that it shall be valid and kept on the Police Station concerned; till the accused is arrested. Separate warrant shall be issued against the separate accused where accused persons are more than one.

(2) The standing warrant shall be prepared in the form appended here in below, in duplicate and its one copy shall be made part of the record:

“FORM OF STANDING WARRANT

(Section 299 Cr. P.C.)

In the Court.....(name of the Court)

Case/Sessions Trial No.....

.....versus.....(names of parties)

U/S.....

Police Station.....

District.....

To,

The Officer Incharge, Police

Station.....whereas, it has been found that the

accused.....(name and complete address of accused) has absconded and there is no immediate prospect of his appearing in Court, you are hereby directed to make the arrest of accused.....(name) whenever he is found and to produce him in this Court.

This warrant shall be valid and kept at the Police Station, until the accused is arrested and produced in the Court.

Dated, this..... day of20.....

(Seal of the Court)

(Signature)

116-E. Preparation of skeleton file-

(1) After issuance of warrant under rule 116-D, the record shall be consigned to record room in accordance with the provisions of Chapter-XI of the rules and a skeleton file shall be prepared and kept in the Court concerned keeping the copies of necessary papers such as copies of order passed under rule 116-D (1) and standing warrant prepared under rule 116-D (2) etc.

(2) The court while consigning the record of the case under this Chapter, shall direct that record of the case shall be preserved permanently and shall not be destroyed.

(3) For the purpose of destruction of the record consigned under this Chapter, provisions of Rule 118 shall apply.

(4) The skeleton file prepared under sub rule (1) shall be registered as miscellaneous case and be kept running with an enquiry after every six months about the arrest of the

accused from the Police Station/Police Officer concerned to whom the standing warrant has been directed.

(5) When the standing warrant is reported by the Police Officer concerned to have lost or destroyed, a fresh standing warrant may be issued by the Court against the accused person on the basis of copy available on the skeleton file.

116-F. Procedure after arrest and appearance of accused-

(1) When the accused is arrested on the standing warrant issued against him and is brought before the Court or he himself appears after the consignment of record under this Chapter, the Court shall requisition the record from the record-room and proceed according to law.

(2) When the Court proceeds with the case under sub rule (1), the skeleton file prepared under rule 116-E shall be merged with the original record of the case."

By order of the Court


(Registrar General)

No. 2480 /VIIIb/Admin G-II/ Allahabad:

Dated: 26/02/2024

Copy forwarded for information & necessary action to:-

1. The Principal Secretary, (Law) & L.R., Government of Uttar Pradesh. Lucknow.
2. All the District Judges, State of Uttar Pradesh.
3. The Director, Institute of Judicial Training and Research, Vineet Khand, Gomti Nagar, Lucknow.
4. The Senior Registrar, High Court of Judicature, Lucknow Bench, Lucknow.
5. The Member Secretary, U.P. State Legal Service Authority, III Floor, Jawahar Bhawan Annexe, Lucknow.
6. P.S. To All the Hon'ble Judges, High Court of Judicature at Allahabad and Lucknow Bench, Lucknow.
7. The Chief Documentation Officer cum Chief Librarian, High Court of Judicature at Allahabad.
8. Section Officer, Admin-H Section.

By order of the Court


(Registrar General)