

Court No. - 2

Case :- MISC. BENCH No. - 25848 of 2021

Petitioner :- Piyush Shrivastava (In Person) & Ors.

Respondent :- State Of U.P. Thru. Prin. Secy. Home Lko. & Ors.

Counsel for Petitioner :- Piyush Shrivastava, Shailendra Kumar Misra, Suchita Singh

Counsel for Respondent :- C.S.C., Arvind Kumar, Subhash Chandra Pandey

Hon'ble Rakesh Srivastava, J.

Hon'ble Shamim Ahmed, J.

In pursuance of the order dated this 30.11.2021 passed by this Court, Shri Somen Barma, Deputy Commissioner of police, West Zone, Lucknow, Sri Raj Kishore Pandey Station House Officer, Police Station Wazirganj Lucknow and Shri Tej Prakash Singh, Sub Inspector (Investigating Officer in FIR No. 368 of 2021) and Shri Brajesh Kumar Dubey, Sub Inspector, Police Station Wazirganj are present.

Report dated 20.12.2021 submitted by Shri Somen Barma, Deputy Commissioner of police, West Zone, Lucknow is taken on record.

Perused the report dated 11.12.2021 submitted by the Ram Manohar Narayan Mishra, District Judge, Lucknow. According to him, 50 cases are pending trial against the advocates in Lucknow Judgeship out of which 36 cases are pending before the Magistrate and 14 cases are before the Sessions Judge.

According to him, in the FIR lodged by the then Chief Judicial Magistrate, Smt Sandhya Srivastava, the case is fixed for appearance of accused persons. It is surprising that the charge-sheet having been filed long back even the presence of accused persons could not be ensured and the charges could not be framed. We are not satisfied with the tardy progress of the criminal trial, specially when the Courts' working is involved. We would like the District Judge to impress upon the Magistrate to ensure appearance of the accused persons and expedite the framing of charges so that the trial could begin immediately. The cases involving advocates should be tried expeditiously so that innocent do not suffer and the guilty are not spared.

According to the report submitted by Shri D.K. Thakur, the Commissioner of Police, in 74 cases the charge-sheets have been submitted, while the District Judge has given reference to only 50 cases. The District Judge is directed to co-ordinate with the local police officers and give status of all the 74 cases in a detailed chart.

We are informed that the reference given by Smt Sandhya Srivastava, the then Chief Judicial Magistrate was forwarded to this Court but no progress has been made in the said case till date. This appears to be a very serious matter. The Registrar General of this Court is directed to place the matter before the Hon'ble the Chief Justice. The Registrar General shall also place all the references made under the Contempt of Courts Act, which have not been placed before the court for action thereon. As pending references tend to demoralize the Judicial Officers, who are supposed to

work fearlessly, and the erring lawyers continue to indulge in their notorious activities including misbehaviour with the Judges working at district level. Expeditious disposal of admitted references is the demand of justice and any delay in taking cognizance thereon may tend to obstruct the course of justice.

According to the Police Commissioner, in 28 cases the investigation is still going. He is directed to ensure the earliest conclusion of the investigation. The Police Commissioner will also ensure that processes are issued in 74 cases in which charge-sheet has been submitted or complied with by the officials. Since Shri Thakur has prayed for some time to revisit the final reports, we direct him to examine each case carefully and submit his report by the next date.

Notice be also issued to the Uttar Pradesh State Bar Council and Bar Council of India. Both the Councils are represented by Shri Subhash Chandra Pandey and Shri Shailesh Kumar Pathak, no need to take steps.

The counsel of the Uttar Pradesh Bar Council shall inform as to what disciplinary action has been taken against the advocates, who have been found guilty of misconduct. We would like to know the number of advocates against whom action has been taken within the last five years as also the districts to which they belong.

Shri Somen Barma, Deputy Commissioner of Police, West Zone, Lucknow prays for some further time to complete the investigation and submit a status report.

Let that be done by the next date fixed.

List this case on 10.01.2022 for further hearing.

The Officers, who have appeared today, shall appear again on the date fixed.

Order Date :- 20.12.2021

Anupam

(Shamim Ahmed, J.) (Rakesh Srivastava, J.)