

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 37986/2022

(Arising out of impugned final judgment and order dated 06-11-2017 in JA No. 174/2009 passed by the High Court of Judicature at Allahabad)

HARPHOOL @ KALA

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH

Respondent(s)

((JAIL PETITION MATTER)

MR. ARJUN GARG, AOR, HAS BEEN APPOINTED AS AMICUS CURIAE.
IA No. 74740/2023 - CONDONATION OF DELAY IN FILING)

Date : 11-09-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s)

Mr. Arjun Garg, AOR (Amicus Curiae)
Mr. Shobhit Jain, Adv.
Mr. Aakash Nandolia, Adv.
Ms. Sagun Srivastava, Adv.
Ms. Shreya Bansal, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E ROn 12th May, 2023 this Court passed the following
order:

"The Registry to call for the record of the Trial Court and to provide soft copy of the record to the learned counsel appearing for the petitioner. The Registry to place on record printed version of the depositions of the material witnesses.

List on 21st July, 2023."

According to us, the meaning of the said order is very clear. The Registry was directed to place on record the printed version of depositions of the material witnesses. This order was passed as the Court wanted to peruse the depositions. As this order was not complied with, again an order was passed on 21st July, 2023 directing the Registry to place on record typed copies of the depositions and other relevant documents. Even the said order was not complied with. Therefore, by order dated 25th August, 2023 explanation of the Registrar (Judicial Listing) was called for.

We have perused the explanation submitted by the Registrar (Judicial Listing) along with explanations offered by the members of the staff. It is unfortunate that the Senior Court Assistant and other officers have tried to shift the entire blame on the Court Masters. According to us, the Court Masters had no role to play in compliance with the orders of this Court and they cannot be blamed for the lapse. The Senior Court Assistant has taken a stand that Court Masters have not informed her Section that this Court requires two separate sets of translated copies of the depositions of the Trial Court.

This is a very sorry state of affairs. The members of the staff of the Registry are not able to understand simple orders passed by this Court and they are trying to shift the entire burden on the Court Masters which was uncalled for. When a Bench of two Judges requires

printed copies of the depositions, it is obvious that only one copy cannot be supplied and two copies are required. The explanations submitted by some staff members show that even this elementary knowledge was lacking.

Nevertheless, the members of the staff have tendered apology and the Registrar (Judicial Listing) has assured the Court that such lapses will not happen again. We direct that the matter may be treated as closed and no action shall be taken against any member of the staff. However, we expect the concerned Registrar (Judicial Listing) to instruct the members of the staff that the orders of the Court should be scrupulously implemented and in event, any member of the Registry has any doubt, they should seek clarification through the Court Masters.

List on 18th September, 2023.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER