

Court No. - 67

Case :- CRIMINAL APPEAL No. - 1754 of 2021

Appellant :- Abdul Kalam

Respondent :- State Of U.P.And Another

Counsel for Appellant :- Vipul Kumar Singh

Counsel for Respondent :- G.A.,Anurag Upadhyay,Kailash Prakash Pathak

Hon'ble Rahul Chaturvedi,J.

Heard learned counsel for the appellant, learned counsel for the complainant as well as learned A.G.A.

Learned counsel for the complainant submits that he has filed counter affidavit way back on 07.07.2021 but the same is not on record.

Besides a general complaint by the members of the Bar and the Court is also experiencing that this type of practice is rampant now-a-days. The hearing of the case is adjourned on the ground that the pleadings/affidavits are not on record, though, they have filed in the Registry 2-3 months back. This is totally unacceptable proposition and would amount to create hurdle in the administration of Justice. The hearing of the case should not be adjourned on the ground of laxity of the concerned assistants. The Court feels that it would be adding the miseries of the client.

The Registrar General of the Court is directed to issue a proper Circular to all the S.Os. of various sections of the High Court that they would ensure the various affidavits/applications be placed along with its parent file within 72 hours of its receipt. In addition to this, the concerned assistant shall also affix proper flagging to the counter affidavits, rejoinder affidavits and supplementary affidavits and then, send the same in the Court.

Let copy of this order be placed before the Registrar General for making this Circular and its compliance by the concerned S.Os. in its letter and spirit.

Put up this matter as fresh on 13.08.2021.

Meanwhile, concerned S.O. would trace out the counter affidavit filed by learned counsel for the complainant and place it on record.

Order Date :- 11.8.2021/Sumit S