

Court No. - 37

Case :- CRIMINAL MISC. WRIT PETITION No. - 3827 of 2021

Petitioner :- Mohd. Ahmad And 9 Ors

Respondent :- State Of U.P. And 3 Ors

Counsel for Petitioner :- Sandeep Maniji Bakhshi

Counsel for Respondent :- G.A.

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Gautam Chowdhary,J.

Learned A.G.A. states that he has not received notice of the writ petition.

Learned counsel for the petitioners pointed out that the instant petition has been filed by e-mode. He has affixed e court fees on the petition to facilitate its filing by e-mode. Before filing the petition, notice of the same was given to the State on its email address "freshcriminalwrit@gmail.com".

Learned A.G.A. submitted that the State is not accepting notices by email or by virtual mode and learned counsel for the petitioners is required to serve a hard copy of the petition in the office of Government Advocate.

At the moment, on account of pandemic, the Court proceedings are being held by virtual mode. To avoid physical contact between individuals, various relaxations have been made by this Court in relation to the filing of the writ petitions by virtual mode so that no one is forced to travel long distance or physically come to the High Court only for the purpose of filing a petition. In such a scenario, insistence on part of the State respondents to serve a hard copy of the petition in their office is not acceptable, particularly when service of notice by e-mail is now a legally recognised mode of service. We, therefore, called upon learned Government Advocate Sri S.K. Pal to assist the Court in the matter.

In response, learned Government Advocate Sri S.K. Pal has given various suggestions in writing in form of a letter addressed to the Registrar General. Sri J.K. Upadhyay, learned A.G.A. has made a statement before us

that necessary instructions have been issued to the office staff to facilitate acceptance of the notices by e-mode from tomorrow onwards.

The communication made in this regard to the Registrar General is as follows:-

"To,

**THE REGISTRAR GENERAL,
High Court of Judicature at Allahabad**

Letter No. 9129 /GA/HC/ALLD/Dated: 26.05.2021.

Sub: Regarding notice(s) of E-court cases through E-filing to the State.

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Dear Sir,

It is to bring into your kind notice that from 27.05.2021, the notices of only E-court cases through E-filing will be received on the following E-mail I.D.: -

<p><u>efreshcriminalwrit@gmail.com</u> (Timing for sending the notices from 10:00 A.M. to 02:00 P.M. on every working day) (only E-court cases)</p>	<p>(i) Criminal Misc. Writ Petition (ii) Criminal Misc. Habeas Corpus Writ Petition (iii) Criminal Writ – Public Interest Litigation (iv) Criminal Writ – Matter under Article 227</p>
<p><u>efreshbailapplication@gmail.com</u> (Timing for sending the notices from 10:00 A.M. to 02:00 P.M. on every working day) (only E-court cases)</p>	<p>(i) Criminal Misc. Bail Application (ii) Criminal Misc. Anticipatory Bail Application</p>
<p><u>efreshmisc@gmail.com</u> (Timing for sending the notices from 10:00 A.M. to 02:00 P.M. on every working day) (only E-court cases)</p>	<p>(i) Criminal Misc. (482 of Cr.P.C.) Application (ii) Criminal Appeal (iii) Criminal Revision (iv) Criminal Misc. Application etc.</p>

It is apt to mention herein that soon after receiving the notice(s) on the aforesaid E-mail I.D., the notice number shall be provided on the

same E-mail I.D. possibly within 24 hrs. of the receiving of the notice on the E-mail.

It is also requested to you to kindly apprise all advocates / counsels to send the all type of notices (E-court cases) on the E-mail "efreshbailapplication@gmail.com", "efreshcriminalwrit@gmail.com" and "efreshmisc@gmail.com" in an appropriate sequence in a "PDF format" including its annexures. The notices of E-court cases shall be entertained from 10:00 A.M. to 02:00 P.M. on every working day. It is pertinent to mention herein that no notice except E-court cases shall be entertained.

It is further requested that all the learned Advocates may kindly be requested to file the E-court cases before the Registry of this Hon'ble Court after obtaining the notice number from the office of the undersigned.

In view of the aforesaid, it is, therefore, requested to your goodself to kindly circulate the aforesaid information to all the Advocates with regard to E-filing of the notices of criminal matters (only E-court cases) to the State from 27.05.2021."

We appreciate the cooperation received in the matter from the Government Advocate Sri S.K. Pal. The suggestions appear to be practicable to start with. We accordingly accept the same subject to the following modification:-

- (i) In all cases in which notices are served by e-mail by 2 P.M., the return e-mail providing notice number shall be sent on the same day by 5 P.M. in the evening.
- (ii) In cases in which notices are received by e-mail after 2 P.M., the return e-mail providing notice number shall be sent by 1 P.M., the following working day.

In the instant case, however, the above procedure was not in place at the time notice by e-mode was given by learned counsel for the petitioners and, therefore, as an exception, he is directed to serve a fresh notice upon learned A.G.A. by e-mode if given tomorrow onwards or a physical copy if given today.

Put up as fresh on 28.5.2021.

The Registrar General is directed to forward a copy of this order to the Computer Committee for issuance of appropriate consequential directions, if considered necessary. We request the Computer Committee to frame a similar scheme for service of notices upon the Chief Standing Counsel in civil matters that are filed by e-mode. The Registrar General is also directed to post the instant order at some prominent place on the official website of the High Court for information to lawyers, general public and other stake holders. A copy of this order shall also be sent to the Advocate General, Chief Standing Counsel, Government Advocate for information and consequential action. A compliance report shall be filed by the Registrar General within a week.

(Gautam Chowdhary, J.) (Manoj Kumar Gupta, J.)

Order Date :- 26.5.2021
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