

**Court No. - 71**

**Case :- CRIMINAL MISC ANTICIPATORY BAIL  
APPLICATION U/S 438 CR.P.C. No. - 11831 of 2023**

**Applicant :- Saif Ali Khan**

**Opposite Party :- State of U.P.**

**Counsel for Applicant :- Rahul Mishra,Rajat Singh**

**Counsel for Opposite Party :- G.A.**

**Hon'ble Shekhar Kumar Yadav,J.**

**Order on Criminal Misc. Recall Application No. Nill of 2023.**

1. Heard Mr. P.K. Giri, learned Additional Advocate General and Mr. Ashutosh Kumar Sand, learned Government Advocate for the State.
2. This application has been filed to recall the order 30.11.2023 by which the Secretary (Home) Government of U.P. Lucknow was directed to appear before this Court on 12.12.2023.
3. It is stated in paragraphs 6 & 7 of the affidavit that in compliance of order dated 17.11.2023, the Commissioner of Police, Prayagraj Mr. Ramit Sharma has come to the office of Government Advocate at about 09.40 am so that he may appear before the Court in the aforementioned case, which has been shown to be listed in Serial No.37 of fresh cause list. It is further stated in the affidavit that Commissioner of Police has reached in the Court at about 10.20 am then it is informed that case has already been taken up and order has also been passed directing the Secretary (Home) Government of U.P. Lucknow to appear in person before this Court on 12.12.2023.
4. It is further stated after passing the aforesaid order, a request was made by the Government Advocate to recall the order, which has already been passed by this Court then the Court directed to move application for recall of the aforesaid order.
5. I have perused the application as well as material available on record.
6. The reasons shown for non appearance of Commissioner of Police, Prayagraj before the Court when the case was taken up, has been explained to the satisfaction of this Court.

7. Accordingly, the recall application is **allowed**. The order dated 30.11.2023 is hereby recalled.

**Order on Memo of Application.**

1. In compliance of order dated 17.11.2023 and subsequent order dated 30.11.2023, the Commissioner of Police, Prayagraj Mr. Ramit Sharma is personally present before this Court and has filed personal affidavit tendering unconditional, unqualified, unfettered and sincere apology for the inconvenience caused to the Court.

2. Let the personal affidavit filed today on behalf of Commissioner of Police, Prayagraj be kept on record.

3. I have gone through the personal affidavit filed today on behalf of Commissioner of Police, Prayagraj and after hearing the submission made as well as perusal of personal affidavit, the Court is not satisfied with the efforts made by the police authorities.

4. Under the circumstances, Mr. P.K. Giri, learned Additional Advocate General seeks two weeks further time to file better affidavit.

5. Put-up again as fresh on 18.12.2023.

6. Until further order, the personal appearance of Commissioner of Police, Prayagraj is exempted.

7. However, looking to the seriousness of the cow slaughtering cases in State of Uttar Pradesh, the Court directed the Commissioner of Police, Prayagraj as well as to the State to look into the matter of Cow Slaughter seriously registered at different police stations of the State and also submit a progress report to the effect as to how many cases have been registered at different police stations of Commissionerate of District Prayagraj and in how many cases the investigation is going on and in how many cases charge sheet has been submitted and final report has been filed.

8. The report be filed positively by the next date fixed in the matter.

9. Copy of this order be provided to the learned Additional Advocate General for necessary compliance by today itself.

**Order Date :- 2.12.2023**

**Ajeet**