

**Court No. - 74**

**Case :-** CRIMINAL REVISION DEFECTIVE No. - 38 of 2001

**Revisionist :-** Samshad Ali

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

**Counsel for Revisionist :-** R.K. Srivastava

**Counsel for Opposite Party :-** Govt. Advocate, Devendra Singh

**Hon'ble Samit Gopal, J.**

1. List revised.

2. No one appears on behalf of the revisionist to press this revision even in the revised list. Sri Ajay Singh, learned A.G.A.-I for the State of U.P. is present.

3. The present criminal revision has been filed against acquittal of accused/respondent no. 2- Rakesh Kumar.

4. On 27.10.2023 the following order was passed by this Court:-

*"1. List revised.*

*2. No one appears on behalf of the revisionist to press this revision. Sri Devendra Singh, learned counsel for the opposite party no. 2 is also not present. Sri Ram Prakash Shukla, learned A.G.A. is present.*

*3. The trial court records have not yet been received.*

*4. Office to summon the same within six weeks. Office shall further consider the fact that the matter has been decided by a court of Meerut.*

*5. List on 11.12.2023."*

5. Para-3 of the same specifically reads that the trial court records have not yet been received. Office in compliance of the said order gave its report dated 10.12.2023 which reads as under:-

*"Lower Court record summoned but same has not been received yet."*

6. Subsequently on 11.12.2023 again since the trial court records were not received office was directed to send a reminder for the same and for compliance of the previous order. The said order reads as under:-

*"1. List revised.*

*2. No one appears on behalf of the revisionist to press this revision. Sri Devendra Singh, learned counsel for the opposite party no.2 is not present even when the matter is taken in the revised list. Sri Ajay Singh, learned A.G.A.-I for the State is present.*

*3. The trial court records were summoned vide order dated 27.10.2023. As per the office report dated 10.12.2023, the same have not been received.*

*4. Office to send a reminder to the trial court concerned for compliance of the said order forthwith.*

5. *Let the matter be listed on 12th February, 2024.*"

7. Office then vide its report dated 08.02.2024 states that L.C.R. has been received. The case is put up for order with L.C.R. The report reads as under:-

"L.C.R. has been received. The case is put up for order with L.C.R."

8. Both the said orders of this Court dated 27.10.2023 and 11.10.2023 in their paragraph no. 3 and then in paragraph nos. 3 and 4 respectively go to show that this Court had specifically referred to the records as being "Trial Court records". Office in both its report given in compliance of the said order being reports dated 10.12.2023 and 08.02.2024 refers to them "Lower Court record" and "L.C.R." respectively. Practice of referring the "Trial Court" as "Lower Court" is not proper. The said court should not be addressed as "Lower Court" but should always be addressed as the "Trial Court" or as the situation may be in matters wherein appeals/revisions have been filed before the court of Sessions Judges.

9. The Registrar General of this Court is directed to issue a circular to the office to henceforth not refer to the "Trial Court" as "Lower Court".

10. Despite the matter being taken up in the revised list, neither the accused/respondent no. 2 is present nor there is any representation on his behalf.

11. In view of the same, let bailable warrants be issued against the accused/respondent no. 2- Rakesh Kumar through C.J.M. concerned. If he appears or is produced before the Chief Judicial Magistrate concerned, he shall be released on bail on his furnishing a personal bond of Rs.50,000/- with two sureties each in the like amount to the satisfaction of the CJM concerned and further on the undertaking that he shall appear on the next date fixed in the matter.

12. The photocopies of the bail bonds shall be transmitted to this Court by the CJM concerned within two weeks from the date of its execution.

13. Office is directed to communicate this order to the CJM concerned for immediate compliance forthwith.

14. List this case on 21.3.2024.

15. The Registrar General shall submit a report to the direction issued in para-9 of this order before this Court by the next date.

(Samit Gopal,J.)

**Order Date :- 12.2.2024**

Naresh