

Court No. - 46

Case :- CRIMINAL APPEAL No. - 1783 of 2022

Appellant :- State of U.P.

Respondent :- Vasdev Chauhan S/O Brahmchari And Another

Counsel for Appellant :- Shiv Kumar Pal

Hon'ble Mrs. Sunita Agarwal,J.

Hon'ble Vikas Kunvar Srivastav,J.

Order on Criminal Misc Application no.01 of 2022.

On the query made by the Court vide order dated 30.03.2022, it is pointed out that with reference of the previous Government Orders dated 13.04.2012 and 25.03.2013, a Government Order dated 22.02.2022 has been issued laying guidelines in the matter of institution of Government Appeal before this Court.

Para-2 of the Government Order dated 22.02.2022 indicates that the State Government has taken a decision to obtain joint opinion of the Legal Remembrancer, Government of U.P. and the Government Advocate/ Additional Government Advocate, High Court Allahabad before institution of a Government appeal. The said Government order has been issued in line with the para-18.14 of Legal Remembrancer Manual (LR manual) and the directions issued by this Court from time to time to lay down the procedure for obtaining opinion of the Government Advocate before institution of a Government Appeal.

It is submitted before us that pursuant to the decision of this Court in Criminal Appeal no.2545 of 2011 (State of U.P vs Bablu) proper consultation before the institution of Government Appeal was being made pursuant to the Government Order dated 13.04.2012 and the said procedure had been followed till 2018. However, with the passage of time, due to onset of COVID-19, the Committee constituted pursuant to the Government Order dated 13.04.2012 could not function properly. In order to streamline the procedure, now the Government Order dated 22.02.2022 has been issued by the State Government which would be followed strictly in future.

Taking note of the aforesaid submissions of Sri Patanjali Mishra, learned Government Advocate, we put this matter at rest with the hope and trust that the Government Order dated 22.02.2022 will be followed in its true letter and spirit and no Government Appeal in a casual manner would be filed.

This order be brought to the notice of the Advocate General, U.P, Government Advocate, High Court, Allahabad and the

Legal Remembrancer, Government of U.P to ensure strict compliance.

Order Date :- 8.4.2022/Harshita