

ITEM NO.22 Court 5 (Video Conferencing)

SECTION II

SUPREME COURT OF RECORD OF
PROCEEDINGS INDIA

Miscellaneous Application No.2055-2056/2020 in
SLP(Cr1) Nos. 3515-3516/2004

KARUNA SHANKAR SINGH

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(IA No. 111386/2020 - EXTENSION OF TIME)

Date : 22-03-2021 These applications were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s)

By Courts Motion

For Respondent(s)

UPON hearing the counsel the Court made the following
ORDER

1 The Senior Registrar of the High Court of Judicature at Allahabad has submitted a report.

The report of the Senior Registrar, insofar as it is material, is extracted below:

"In this regard, it is humbly submitted that as per the office report, it has been found that the order dated 21.11.2014 of Hon'ble Supreme Court was received in this Court on 18.12.2014 and it was delivered to the concerned section on 19.12.2014 but the same was missing from the record. In order to trace out the order and also to ascertain the actual date on which the order dated 21.11.2014 of Hon'ble Supreme Court passed in SLP (Cr1.) 3515-16 of 2004 was transmitted to District Judgeship, Gonda, the undersigned had ordered a Preliminary Inquiry on 12.01.2021.

The Inquiry Officer has submitted his report on 11.02.2021. Vide the said report, the Inquiry Officer has submitted that the aforesaid order of Hon'ble Supreme Court was received on 18.12.2014 but the same was not communicated to District Judgeship Gonda by the concerned section. The Inquiry Officer has held that prima facie, two officials of this Hon'ble Court are responsible for not communicating the order dated 21.11.2014 of Hon'ble Supreme Court passed in.SLP (Crl.) No. 3515- 16 of 2004 to the District Judgeship and for misplacing the order from the records of High Court. A Departmental Inquiry has been recommended against the delinquent officials in this matter.”

- 2 The report of the Senior Registrar indicates that the order of this Court dated 21 November 2014 was, in fact, received on 18 December 2014 by the High Court and was delivered to the concerned Section, but is reported to have been missing from the record. The preliminary inquiry by the Senior Registrar of the High Court indicates that, though received on 18 December 2014, the order was not communicated to the District Judge Gonda by the concerned Section. *Prima facie*, it has been found that two officials of the High Court are responsible for not communicating the order and for misplacing it from the records of the High Court.
- 3 The circumstances which have been adverted to in the report of the Senior Registrar of the High Court reveal that the order of this Court dated 21 November 2014 was not communicated to the District Judge Gonda. Under these circumstances, we order and direct that the matter should be fully investigated under the administrative directions of the Chief Justice of the High Court and those responsible for dereliction in the performance of duty be held accountable by following the due process of law. All necessary steps to comply with the above directions be initiated expeditiously within a period of four weeks from today under intimation to the Registrar (Judicial) of this Court.
- 4 The Registrar General of the High Court shall submit his report to the Registrar (Judicial) of this Court within a period of six weeks on the course of action which

has been initiated.

- 5 This order shall be transmitted by the Registry to the Registrar General and the Senior Registrar of the High Court forthwith for compliance.
- 6 To obviate such a situation in future, the Registrar (Judicial) of this Court shall apprise the court of the procedure which is followed by the Registry to communicate the orders of this Court not only to the High Court, but to the concerned Judge who has to take action in compliance. This report shall be placed on the record and shall be taken up together with the report of the Registrar General of the High Court.
- 7 List the Miscellaneous Applications on 12 July 2021.



(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER

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BY THE PEOPLE. FOR THE PEOPLE. OF THE PEOPLE