2026:AHC:211758

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 749 of 1986

Kamal Singh And Another

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	:	W.H. Khand
Counsel for Respondent(s)	:	A.G.A.

Court No. - 84

HON'BLE LAKSHMI KANT SHUKLA, J.

1. Heard Mr. Amit Kumar Dixit, learned counsel for the appellants, learned A.G.A. representing the State and perused the record.

2. Learned counsel for appellants submits that during the course of trial, the appellants failed to appear before the Court on the date fixed, on account of which a non-bailable warrant (N.B.W.) was issued against them and, thereafter, proceedings under Sections 82 and 83 Cr.P.C. were initiated *vide* order dated 30.01.1986. Aggrieved by the said order, the appellants approached this Court by way of the present appeal. This Court, *vide* order dated 05.03.1986, passed an interim order directing the appellants to appear before the Trial Court on the date fixed and stayed the operation of the order dated 30.01.1986.

3. It is further submitted by learned counsel for the appellants that the parent case, i.e., Sessions Trial No. 99 of 1985, State v. Kamal Singh and another, was finally decided on 15.02.1988, wherein the appellants were acquitted. It is also submitted that, till date, no appeal against the aforesaid judgment of acquittal dated 15.02.1988 has been preferred before this Court either by the State or by the informant. In view of the aforesaid circumstances, it is contended that the present appeal has become infructuous. It is liable to be dismissed having become infructuous.

4. It is also submitted that due to pendency of present appeal order for arrested has been passed against appellants Kamal Singh and Raj Kishore. In compliance with that order, appellant no. 1 Kamal Singh has been arrested and is in jail.

5. In view of above, it is directed that the arrested appellant no. 1, Kamal Singh, be **released forthwith** without requiring him to furnish any surety. The non-bailable warrant issued against appellant no. 2, Raj Kishore Singh, shall be **recalled forthwith** and be returned unexecuted.

6. In view of aforesaid, the present criminal appeal is **dismissed** having become infructuous.

7. Pending applications, if any, are disposed of.

8. Let this order be communicated to the Chief Judicial Magistrate, Banda and the Jail Superintendent, District Jail, Banda by the Registrar (Compliance) **forthwith.**

October 8, 2026
Brijesh Maurya

(Lakshmi Kant Shukla,J.)

Digitally signed by :-
BRIJESH KUMAR
High Court of Judicature at Allahabad