

Request-91

g/c Deputy Registrar (M):-

May kindly see below placed letter dated 03.06.2019 (received through e-mail as well as in original to this Court) of Sri Ram Net, Chief Judicial Magistrate, Auraiya bearing endorsement no.1328/I dated 04.06.2019 of the District Judge, Auraiya (at Flag 'A') alongwith summon in original regarding appearance of Sri Lallu Singh, the then Additional District Judge, Auraiya presently posted as Additional District and Sessions Judge, Moradabad on 04.07.2019 in connection with Criminal Case No.769/18 Crime No.97/18 U/S 409, 420, 467, 468, 471, 120B IPC P/S Auraiya District Auraiya against Shivganesh and Others.

In the aforesaid letter Sri Ram Net has stated that the aforesaid case is pending before his Court for oral evidence of Sri Lallu Singh, Additional District and Sessions Judge, Moradabad for which 04.07.2019 has been fixed as the date for adducing the same. He has, thus, requested this Court for taking necessary action with regard to service of the said summon on Sri Lallu Singh, Additional District and Sessions Judge, Moradabad as per the rules given in Appendix-E contained in General Rules (Criminal).

In this connection it is submitted that under the provisions contained in rule 13 read with Appendix-E (at Flag 'C') contained in General Rules (Criminal) under the heading "**Summons to Government Servants**" which is as quoted here under :

*When under section 66(i)<sup>4</sup> of the Code a summon is to be served on a person in the active service of the State, the "head of the office" to whom the summons shall ordinarily be sent (in duplicate) shall in the case of a Person in the civil employ or a soldier, sailor or airman in the Defence Department, be the local head of the office or local officer in command of the corps or department in which such person may be serving at the time, and in the case of a local "head of the office", be the authority to which he is immediately subordinate."*

the summons in criminal cases can be served upon the officers of H.J.S cadre with the permission of Hon'ble The Chief Justice or Hon'ble The Senior Judge, on duty.

If approved, by the Learned Registrar General, the file may kindly be laid before the Hon'ble Chief Justice, for His Lordship's kind perusal and orders as proposed hereafter:

**Z** Sri Lallu Singh, the then Additional District Judge, Auraiya presently posted as Additional District and Sessions Judge, Moradabad may be permitted to appear before the Court of Chief Judicial Magistrate, Auraiya on 04.07.2019 for his oral evidence in connection with Criminal Case No.769/18 Crime No.97/18 U/S 409, 420, 467, 468, 471, 120B IPC P/S Auraiya District Auraiya and the summon, in original, (at Flag 'B') may also be served upon Sri Lallu Singh, the then Additional District Judge, Auraiya presently posted as Additional District and Sessions Judge, Moradabad through the District and Sessions Judge, Moradabad?

Himani  
17/06/2019  
(Himani Mishra)  
R.O.  
17.06.19  
A.K. (Jain) A.R.

Joint Registrar (J)(B)

May like to place the file before Learned Registrar General for kind perusal & placing the same before Hon'ble the Chief Justice for His Lordship's kind perusal and approval as proposed at 'Z'?

2/c Sagar Ram  
D.R. 17.6.2019

Registrar General

May like to place before Hon'ble the Chief Justice for His Lordship's kind perusal and orders?

17/06/2019

Hon'ble the Chief Justice

Submitted for kind perusal and orders.

'Z' approved  
19.06.19

18.6.19  
Registrar General

CHIEF JUSTICE

J.R.(B)

Ms Himani  
19.6.19

19.6.19  
R.G.