

**Court No. - 68**

**Case :-** APPLICATION U/S 482 No. - 34636 of 2022

**Applicant :-** Smt.Minakshi And Another

**Opposite Party :-** State Of U.P And Another

**Counsel for Applicant :-** Laxmi Kant Bhatt

**Counsel for Opposite Party :-** G.A.,Anil Kumar Mishra,Raj Kumar Singh,Rishi Shrivastava

**Hon'ble Mrs. Manju Rani Chauhan,J.**

1. This application under Section 482 Cr.P.C. has been filed challenging a summoning order dated 27.10.2021 passed in Complaint Case No. 1108 of 2021<sup>1</sup>, under Section 168 of the Negotiable Instruments Act, 1881 and Section 420 I.P.C., and judgement dated 03.9.2022 passed by Additional Sessions Judge, Court No. 15, Meerut in Criminal Revision No. 107 of 2022<sup>2</sup> Police Station Medical, District Meerut.

2. Previously on 13.12.2022, on the solemn undertaking of Sri Laxmi Kant Bhatt, learned counsel for the applicants, an interim protection was granted to the applicants with a condition that the applicants will handover a draft of Rs. 12 lakhs to opposite party no. 2 - Mrs. Sansarwati. In the said order, the Court further observed that in the event, the applicants fail to comply with the directions of this Court, the interim protection given today shall automatically deemed to be vacated and Registrar (Compliance) was directed to inform the court concerned to recover the entire amount by using all his might and power to recover the entire amount with 6% compound interest over it and hand over the same to the opposite party no.2 within a month thereafter.

3. Sri Anil Kumar Mishra, earlier counsel for the opposite party no.2 and Sri Rajat Aren, subsequently engaged counsel on behalf of opposite party no. 2 are present. Learned counsel for the opposite party no. 2 submit that in between the date of interim order i.e. 13.12.2022

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and today, the matter has been listed on three occasions i.e. 05.01.2023, 11.01.2023 and 03.03.2023 but the record was not sent to the Court by the office.

4. The Court finds that in order to get a favourable order, an undertaking was given by learned counsel for the applicants, however, to evade from making payment in compliance of the earlier order dated 13.12.2022, learned counsel for the applicants is not present even in the revised call today.

5. Perusal of record reveals that a letter dated 09.01.2023 was placed before the Registrar (Compliance), High Court, Allahabad by Sri Anil Kumar Mishra, learned counsel, who was representing opposite party no 2 at the relevant point of time, informing about non-compliance of the order dated 13.12.2022. In spite of letter dated 09.01.2023 and directions issued by this Court dated 13.12.2022, the Registrar (Compliance) has not placed any information if he has informed the court concerned about the order of this Court dated 13.12.2022, for necessary compliance.

6. With regard to the falling standard of Members of the Bar, apart from merits of the present case, it is apposite to remind a recent order of this Court dated 20.01.2023 passed in **Criminal Misc. Anticipatory Bail Application U/s 438 Cr.P.C. No. 6819 of 2021**<sup>3</sup>, wherein the counsel concerned placed two orders of same date in same case with different contents. The said issue is still drawing attention of this Court. Relevant excerpt of the said order reads thus:

“... ”

Perusal of both the orders, quoted above, reveals different contents though the details mentioned in ‘cause title’ and ‘order date’ are same. This obfuscating state of facts is necessitated to be scrutinized.

Today again no one is present on behalf of the applicants even in revised call.

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Daring or it may be called in literal words 'insincere' act of an Advocate does not allow my consciousness to eschew it in such a bizarre situation where the concerned responsible person is trying to hide by adopting the practice of absenteeism.

Courts always have respect and faith over, even any vocal statement advanced by a lawyer at Bar and hardly express disbelief over it. However, present case is filled with sufficiency of unreliability to run over such impression, which may, in future, be detrimental to such an admiring relationship between the Bench and Bar.

To imbibe the ideas and suggestions of luminaries of the Bar over such spectrum where Advocates are required to be guided with ethics and moral obligations in respect of professionalism to safeguard the traditional belief, the matter is posted for 07<sup>th</sup> February, 2023.

Let notices be issued to Sri Aditya Prasad Mishra (En. No. UP3761/1999, Advocate Roll No. A/A- 0134/12, Seat No. 16-A, Behind Ch. No. 67, High Court, Allahabad, Mob. No. 9455531284) and Sri Pradeep Kumar Pandey (En. No. UP8154/2017, Advocate Roll No. A/P 0019/2019 – Common Room No. 2, High Court, Allahabad, Mob. 9956736805), learned Advocates to explain under what impression different order has been placed on record and why the proceedings be not asked to be initiated by the U.P. Bar Council. The applicants shall also file their personal affidavits separately as to why prosecution for perjury be not proposed against them.

The President and the Secretary of Allahabad High Court Bar Association, Allahabad are requested to look into the conduct of both abovenamed advocates in the matter, and render their assistance to the Court, on the next date fixed, regarding the course of action which they think fit to suggest for.

...”

7. Since the Advocates are the pillars of judicial institutions, they are not supposed to shake off their implicit faith for little to no gain. Taking note of weird situation in the cases akin to the present one and to arrest the deterioration of the standard of legal profession which affects the entire justice delivery system, some alleviative contours are required to be suggested.

8. The President and the Secretary of Allahabad High Court Bar Association, Allahabad are requested to appear on the next date to render their assistance to do away with the recurring alarming issues being erupted at the end of some Members of the Bar.

9. Sri Laxmi Kant Bhatt (AOR No. A/L-0329/15), Seat No. 5A, Third Floor (Near Lift), T.U. Hall, High Court, Allahabad, Mobile No. 9161565052, shall remain present in the Court on the next date, to explain his conduct of desecrating the solemn undertaking, weighing belief thereon, earlier, the Court had granted interim protection in the matter.

10. List this case on 06<sup>th</sup> April, 2023, as fresh. Interim protection granted by this Court stands vacated.

11. The Senior Superintendent of Police, Meerut is directed to ensure presence of **applicant no. 1 - Smt. Minakshi** (daughter of opposite party no. 2), wife of Sri Vinod Kumar Katariya and **applicant no. 2 – Vinod Kumar Katariya** (son-in-law of opposite party no. 2), son of Khemchand Katariya, who are presently residing at Dehradun (Address mentioned in Petition: Mohalla Menhuwala, Near P.N.B. Bank Main Road, Shimla Bypass, Dehradun, Police Chauki ISBT Dehradun, District Dehradun, Uttarakhand). The SSP, Meerut may communicate about this order to the concerned senior police officials at Dehradun for necessary compliance.

12. Registrar (Compliance) and the concerned Sectional Head shall place their reports regarding the steps taken by them, after the application moved by learned counsel for the opposite party on 09.01.2023, to communicate the concerned court. The steps taken by the concerned court be also reported by the next date.

13. The Registrar General and Registrar (Compliance) of this Court shall ensure that this order be communicated to all concerned forthwith.

**Order Date :- 24.3.2023**

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