

Court No. - 77

Case :- APPLICATION U/S 482 No. - 32881 of 2024

Applicant :- Sachin

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Balram Singh

Counsel for Opposite Party :- G.A.

Hon'ble Arun Kumar Singh Deshwal,J.

1. This matter was heard by this Court on 18.12.2024. On that date several directions were issued to the district judiciary, regarding maintaining the process register as well as proper implementation of process of court which includes summons, warrants and process under Sections 82 & 83 of Cr.P.C.

2. By the order dated 18.12.2024, the Deputy Director General, NIC, the Additional Director General (Technical Services), U.P. Lucknow and C.P.C., High Court Allahabad were directed to appear before this Court.

3. In pursuance of the order dated 18.12.2024, Deputy Director General, NIC, Mr. Shashikant Sharma as well as some other officers, attached to the office of Additional Director General (Technical Services), U.P. Lucknow are present through video conferencing. Apart from this, the C.P.C., High Court Allahabad along with Mr. Alok Mishra, System Analyst, High Court Allahabad is also present before this Court.

4. A letter has been received from the Superintendent of Police (Technical Services), UP, Lucknow that the Additional Director General (Technical Services), U.P. Lucknow is not well and he is advised by the doctor for taking bed rest from 8.1.2024 to 14.1.2025 and for that reason he could not personally attend the Court through video conferencing.

5. This Court also heard Sri Dilip Kr. Pandey as a representative of the Bar of High Court Allahabad, regarding problems of the members of the Bar, facing with new technology which requires proper training of the private as well as government advocates.

6. This Court has also received certain suggestions from the Incharge District Judge, Shamli as well as other judicial officers at Shamli through video conferencing on 8.1.2025 and they informed that in the District Court, Shamli all the processes of the criminal courts are being sent through NSTEP and that system has been

properly working except some minor issues.

7. Mr. Shashikant Sharma, Deputy Director General, NIC, has assured the Court that he will rectify all the technical issues within the next two weeks. It is also informed by Mr. Sharma that certain issues like non-availability of facility of taking thumb impression of the person, to whom the process of the court has to be served, is being rectified with the help of police. It is further informed by him that an NIC team is working for proper utilization of the National Prisoner Information Portal and right now the access to the same has been given to the Advocate General of the States who can see several services provided at this portal. It is further informed that any person, whether a relative or an advocate of the prisoners, can avail these facilities available on National Prisoner Information Portal, which also includes custody certificate, after getting registered with the consent of the prisoner.

8. Mr. Sharma further assured that an NIC team will also visit Allahabad to train all the State Government Advocates as well as advocates for the Union of India so that they could be aware of the technical part of the NSTEP, ICJS and other technicalities.

9. A fact came into the knowledge of this Court, on appraisal of Mr. Sharma, that though the National Prisoner Information Portal has been very effectively working in Delhi and Rajasthan, it is not working properly in U.P. Therefore, the Director General (Prison), U.P. is directed to look into the issue and also to take advice, if necessary, from the NIC for proper implementation of National Prisoner Information Portal so that the facilities, available on that portal, can be availed by the relatives or advocates of the prisoners.

10. It is also informed by Mr. Sharma, Deputy Director General (NIC), that though the NSTEP has been effectively implemented in District Shamli, but it is not working properly in Ghaziabad, Allahabad and Lucknow as the police as well as district courts are not showing their interest for effective implementation thereof. Therefore, the Commissioner of Police, Ghaziabad as well as the District Judge, Ghaziabad are directed to look into this issue to make the NSTEP effective and apprise this Court about the same by appearing through video conferencing on the next date of listing.

11. The C.P.C., High Court Allahabad also informed the Court that he got the feed back from different district courts about implementation of the NSTEP as well as ICJS. It is further informed that he has sent a letter to the Director, JTRI, Lucknow to

conduct a training programme of judicial officers in the State of U.P. to make them aware of technical knowledge of NSTEP and ICJS.

12. Another fact also came into the knowledge of this Court that the constables, posted in summon cells at district court level, instead of executing the summons or other processes of court, have been doing work of police *pairokar*. They simply take process from the court and hand over the same at the concerned police station. Though the Director General of Police, U.P., Lucknow in his personal affidavit, has mentioned that 800 police personnel have been deputed in the summon cell and they have assigned the duty only to execute the process of court, but it appears that these police personnel are not working properly and they are simply doing the work of postmen, by taking the process from the court and delivering the same at the concerned police station. Therefore, the Director General of Police, U.P., Lucknow is also directed to look into this issue and take effective steps for execution of the processes of courts through summon cell under the supervision of the Chief Judicial Magistrate.

13. This Court also directs the NIC team of Allahabad High Court to arrange a training programme for the Bar Association of High Court Allahabad as well as Advocates Association of High Court Allahabad so that the members of the Bar could be aware of the new technology of NSTEP and ICJS etc.

14. This Court also found that the Apex Court in a number of cases has directed that once a bail order has been passed by the concerned Court, then the same should be immediately electronically communicated to the concerned jail authorities so that release of the prisoner should not be delayed. Therefore, it would be appropriate that just like Delhi, in U.P. also, the Courts' orders, including the bail orders, should be electronically sent to the jails for the earliest release of the prisoners.

15. In this regard, this Court directs the Director General (Prison) to appear before this Court on the next date of listing through video conferencing and apprise the Court about the steps taken by him for effective implementation of this system so that the Courts' orders could be properly communicated to the prison authorities for earliest release of the prisoners and also the effective use of National Prisoner Information Portal.

16. The Deputy Director General, NIC as well as Director General (Prison), U.P. will also inform this Court on the next date of listing

whether the FASTER (Fast and Secure Transmission of Electronic Record) System can be implemented in U.P. for transmission of e-authenticated copies of the interim orders, stay orders, bail orders etc. for compliance and due execution, through a secured electronic communication channel as directed by the Apex Court in ***Suo Moto Writ Petition (C) No. 4 of 2021 (In Re: Delay in Release of Convicts after Grant of Bail)***.

17. This Court has also been apprised about the reasons for delayed disposal of all the criminal cases before the courts below, that includes shortage of APOs and POs in the Magistrate courts and also the shortage of court staff, including the staff which is required in computer sections of the concerned courts at district level. This Court has also been apprised that there is a provision that in every civil court, there should be 01 clerk for 300 files and in every criminal court, there should be 01 clerk for 500 files. There is also a provision that if the number of files exceed more than 1000 in a criminal court, then there should be one extra clerk in the concerned court.

18. In view of the above, the Registrar General, High Court Allahabad may also look into this issue and apprise this Court about the action taken by the High Court Allahabad for filling up the vacancy of the court staff at district courts level as per the prescribed standard.

19. As mentioned above, one of the reasons for delayed disposal of criminal cases at district level is the insufficient number of APOs, POs and ADGC(Criminal) as well as their disinterest in ensuring the examination of witnesses, therefore, the Director General (Prosecution), U.P. is directed to look into this issue and apprise the Court about the same on the next date of listing.

20. As per per the C.P.C., High Court Allahabad, a letter has been sent to the Director, JTRI to conduct training of judicial officers, to make them aware of the technology of NSTEP and ICJS. Therefore, the Director, JTRI is also directed to inform this Court on the next date fixed about the action taken by him for organizing the training programme for the judicial officers at district level in the State of U.P.

21. Put up this case as fresh on 31.1.2025 as fresh at 10:00 A.M. for further hearing.

22. On that date the Deputy Director General, NIC; the Additional Director General (Technical Services), U.P. Lucknow; the Director

General (Prosecution), the Director General (Prison), U.P.; the Director, JTRI, Lucknow; the District Judge, Ghaziabad as well as the Commissioner of Police, Ghaziabad will personally appear before this Court through video conferencing and the Registrar General, High Court Allahabad; C.P.C., High Court Allahabad along with Mr. Ashok Singh, Joint Registrar (Computer) and Alok Mishra, System Analyst, High Court Allahabad, shall remain physically present in the Court.

23. It is made clear that if the Additional Director General (Technical Services), U.P. could not appear on the next date of listing because of some problem, then in his place, the Director General of Police, U.P. will appear through video conferencing.

24. **Registrar (Compliance)** is directed to communicate this order to all the above officials and also to the Director General of Police, U.P. for compliance.

Order Date :- 9.1.2025

Vandana