

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 11694 of 2025

Petitioner :- Nitesh Kumar Informant

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Shambhu Nath

Counsel for Respondent :- G.A.

Hon'ble J.J. Munir,J.

Hon'ble Anil Kumar-X,J.

This is not the first case since morning where missing persons have not been traced out. We notice that the police are carving out a larger than life image for themselves shielding themselves from receiving and attending to public grievances. In this case, the petitioner's brother is missing since 31.03.2025 when he was reportedly abducted. The F.I.R. in this case was lodged on 03.04.2025. The police generally exhibit apathy in such matters because no personal responsibility is fixed upon the officers, in consequence of whose inaction an abduction turns into a murder. If, in consequence of an abductee not being traced out in good time, the victim is killed, the responsibility, *prima facie*, has to be fixed upon the head of the police under whose jurisdiction the report of abduction or kidnapping was made and later had fatal consequences because the victim was not recovered.

Issue notice.

Notice on behalf of respondent nos. 1 to 3 is accepted by Mr. Nagendra Kumar Srivastava, learned A.G.A. He is granted a week's time to file a counter affidavit.

Notice shall be served upon respondent no.4 through the Chief Judicial Magistrate, Varanasi **within 24 hours**.

Lay as fresh on **12.06.2025** along with a report regarding status of pleadings.

Apart from a counter affidavit to be filed on behalf of the other respondents generally answering the writ petition, a personal affidavit will be filed by the Commissioner of Police, Varanasi on or before the next date fixed showing cause why the abductee has not been recovered so far.

Let this order be communicated to the Police Commissioner,

Varuna (Commissionerate, Varanasi), District Varanasi through the learned Chief Judicial Magistrate, Varanasi by the Registrar (Compliance) **today.**

Order Date :- 4.6.2025

Vijay/Gaurav Kuls

(Anil Kumar-X,J.) (J.J. Munir,J.)

Court No. - 10

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Counsel for Petitioner :- Shambhu Nath

Counsel for Respondent :- G.A.

Hon'ble Siddhartha Varma,J.

Hon'ble Harvir Singh,J.

1. Personal affidavit filed today be kept on record.
2. In the instant case, the brother of the petitioner has gone missing since 31.03.2025. When an order of this Court dated 04.06.2025 was passed, a police team was constituted on 07.06.2025.
3. Today, when the case was taken up absolutely no progress was brought to the notice of the Court. It is rather disgusting to note that after the team was constituted on 07.06.2025 till today no progress has been reported by the police.
4. Put up this case on **09.07.2025 as fresh.**
5. On that date the Director General of Police, Uttar Pradesh would after getting the acquainted with the facts of the case, file an affidavit.

Order Date :- 12.6.2025

M.S. Ansari

(Harvir Singh,J.) (Siddhartha Varma,J.)