

SUPREME COURT OF INDIA

State of U.P.

Vs.

Sunder Singh

(K Thomas and M Shah JJ.)

18.11.1999

ORDER

K.T. THOMAS, J.

1. Delay is apparently very inordinate. Even so we are disinclined to allow public justice to suffer in the case on account of laches of the officers of the State who are responsible for the delay. An affidavit has been filed by the Home Secretary explaining the long delay in which he has made a reference to Shri Anandi Banerjee who was the Additional Government Advocate of the High Court of Allahabad (Lucknow Bench) as the officer responsible for the long delay. Prima facie we felt that the aforesaid Government Advocate has caused this inordinate delay by not filing application for certified copy of the judgment at the required time. Hence we issued notice to the said Anandi Banerjee to show cause why the cost which we may impose on the State shall not be realised from him. Now, an affidavit has been filed by the aforesaid Anandi Banerjee in answer to the said notice and we perused it. There is virtually no explanation for the delay caused at his instance. On the contrary, he has admitted that it was on account of his lapse that the long delay was caused. Of course, he made an attempt to justify himself saying that on account of a bona fide mistake he did not come to know that judgment has been delivered by the High Court. Such an excuse is no explanation to absolve him from the responsibility. Law officers engaged by the State Government cannot adopt such a careless attitude in matters of public importance. It would be a sad day for the law enforcement machinery if such law officers are permitted to go scot-free without any liability after creating a situation like this.

2. We, therefore, condone the delay in filing this SLP on terms, that the Petitioner State shall pay a sum of Rs 5000 to the Counsel for the Respondent. We direct that the amount shall be deposited within four weeks. We direct the Petitioner State to realise the said amount from Shri Anandi

Banerjee, Additional Government Advocate, High Court of Allahabad (Lucknow Bench) without further delay.

3. Issue notice.

4. Mr.V.B. Vohra, takes notice for all the Respondents. Respondent 5 is dead so his name stands deleted.

5. Leave granted.

6. We direct the Respondents to surrender before the trial court within four weeks and apply for bail. On such application the trial court shall release them on bail on execution of a bond with two solvent sureties each to the satisfaction of the trial court.