

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).7726/2011

ASHA Petitioner(s)

VERSUS

STATE OF MAHARASHTRA Respondent(s)

(with Office Report)

Date: 17/09/2012 This Petition was called on for hearing today.

CORAM : HON'BLE MRS. JUSTICE GYAN SUDHA MISRA
(IN CHAMBERS)For Petitioner(s) Mr. Ranjan Mukherjee, Adv.
Mr. S. Bhowmick, Adv.
Mr. S.C. Ghosh, Adv.

For Respondent(s) Ms. Asha Gopalan Nair, Adv.

UPON hearing counsel the Court made the following
O R D E R

It is submitted by learned counsel for the petitioner that the Special Leave Petition filed for the petitioner is pending since long as the notice on Respondent Nos. 2 and 3 could not be served. However, it is submitted that in fact, Respondent Nos. 2 and 3 are not the necessary parties in the Special Leave Petition as they were both co-accused and co-appellants along with appellant No. 1 in the High Court. Respondent Nos. 2 and 3 have been acquitted by the High Court whereas the petitioner stood convicted. However, when the Special Leave Petition was filed by the petitioner through the Legal Aid, Respondent Nos. 2 and 3, were made parties as proforma respondents, notice is required to be served on them.

It is also explained that a proper application was ordered to be filed by this Court but the same is difficult to be filed as the petitioner is in jail.

Considering the aforesaid circumstance in detail, it is ordered that the earlier order for filing a proper application to delete the names of Respondent Nos. 2 and 3 is recalled and on an oral request by learned counsel for the petitioner, the names of Respondent Nos. 2 and 3 are deleted at the risk of the petitioner and they need not be served with the notice.

The Special Leave Petition be listed at an early date before the Regular Bench for consideration as it is informed that the petitioner has already undergone 15 years of sentence.

| (Jayant Kumar Arora)
| Sr. P.A.| | (S.S.R.Krishna)
| | Court Master |