

Listed on 29.4.2014
Before Court No. 10
Item No.43

SECTION:XIV
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) Nos. 9833-34/2013

WITH

PRAYER FOR INTERIM RELIEF

UNION OF INDIA & ORS.

Petitioners

VERSUS

JOYANTO KUMAR SINHA & ORS.

Respondents

OFFICE REPORT

The matters above mentioned were listed before the Hon'ble Court on 22.2.2013, when the Court was pleased to pass the following order:-

"Delay condoned.

Issue notice returnable within six weeks.

Mr. Amarjeet Singh Chandhiok, learned ASG, submits that amount of Rs. 50,000/- awarded by the High Court towards compensation has already been paid to respondent No. 1. He further submits that the petitioners would have no objection to depositing such further amount as may be directed by this Court to enable respondent No. 1 to appear in this Court and contest the matter.

In the facts and circumstances of this case, we direct Union of India - petitioner to deposit a further amount of Rs. 50,000/- in this court. Notice sent to respondent No. 1 shall specifically state that upon his appearance, the amount of Rs. 50,000/- shall also be available to him towards legal expenses to enable him to contest the matter.

We do not wish to express any opinion on the merits of the controversy at this stage. All that we need say is that if the allegations made by respondent No. 1 are eventually found to be correct then the amount awarded by the High Court may have to be suitably enhanced apart from issuing any further directions that may prevent re-occurrence such incidents in future and also punish those guilty of abusing their official position in picking up and torturing an innocent citizen. The Union of India - petitioner is accordingly put on notice. It shall be free to place on record any material to show why compensation amount awarded by the High Court should not be enhanced in the event of allegations made by respondent No. 1 are found to be correct.

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Subject to above, the operation of the impugned order shall remain stayed, until further orders."

Pursuant to aforesaid Order, show cause notice returnable for 5.7.2013 was issued to all the 8 respondents by registered AD on 14.5.2013. M/s Gaurav Agrawal, Advocate and Corporate Law Group, Advocates have filed vakalatnama/appearance on behalf of respondent Nos. 1 and 2 to 8 respectively. Counsel for the petitioner has on 10.3.2013 deposited the amount of Rs. 50,000/- and the same has been kept in UCO Bank in non-interest bearing account.

For non-filing of counter affidavit by the counsel appearing for respondent Nos. 1 and 2 to 8, the matters were listed before the Court of Ld. Registrar from time to time and lastly listed on 17.2.2014, when the Court was pleased to pass the following order:-

*"Respondents have not filed counter affidavit in spite of last chance granted.
List the matter before the Hon'ble Court as per rules."*

It is submitted that counsel appearing for respondent Nos. 1 and 2 to 8 has not filed counter affidavit so far.

Service is complete.

The matters above mentioned are listed before the Hon'ble Court with this office report.

DATED THIS THE 26th DAY OF APRIL, 2014.

ASSISTANT REGISTRAR

Copy to :

1. Mr. B.V. Balaram Das, Advocate
2. Mr. Gaurav Agrawal, Advocate
3. M/s Corporate Law Group, Advocates

ASSISTANT REGISTRAR

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