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ITEM NO.7

COURT NO.7

SECTION II

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS  
CRIMINAL APPEAL NO(s). 684-685 OF 2008

STATE OF U.P.

Appellant (s)

VERSUS

RAGHUNANDI ETC.

Respondent(s)

(Office Report on Default)

Date: 16/08/2013 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR  
(In Chambers)

For Appellant(s) Mr. S.R. Singh, Sr. Adv.  
Mr. Adarsh Upadhyay, Adv.  
Mr. Shantanu Bansal, Adv.

For Respondent(s)

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

Heard.

Leave to appeal was granted in this case on 11th April, 2008. As per office report dated 13th January, 2012 respondent no.1-Raghunandi has expired and the appeal abated against him. Respondent no.2-Chandrika has not however been served at the address as is evident from order dated 1st March, 2012. An application for substituted service was then filed and the respondent directed to be served by publication. Mr. S.R.Singh, learned senior counsel appearing for the appellant, submits that the service was effected by publication. I regret to say that in a criminal matter where the accused does not appear or avoids service there is no question of serving him/her either by registered A.D. or by publication. The only course open to the Court is to issue warrant of arrest and production instead of directing service by publication. I see no reason why that course should not be followed at this stage.

Issue bailable warrants against Respondent no.2-Chandrika. Warrants shall be directed to the trial court for service upon the respondent through the jurisdictional police station.

|(Mahabir Singh)  
| Court Master

|(Indu Pokhriyal)  
| Court Master

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