

**SECTION IIC
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

PETITION FOR SPECIAL LEAVE TO APPEAL(CRL.) NO. 5481 OF 2013

G.V. KESHAHA ...PETITIONER

VERSUS

H.S. NAGARAJ ...RESPONDENT

OFFICE REPORT IN DEFAULT

The matter above mentioned was listed before the Hon'ble Court on 05.07.2013 when the Hon'ble Court was pleased pass the following order:

"Exemption from filing O.T. is allowed.

Delay condoned.

Issue notice returnable in four weeks.

There shall be stay of further proceedings subject to payment of Rs.1 lakh (Rupees one lakh) to the complainant within a period of eight weeks from today.

The exemption from surrender granted by this Court on 5th April, 2013 shall continue until further orders."

Accordingly, Show Cause Notice was issued to the sole respondent through Regd. A.d. Post, but neither A.D. Card nor unserved envelope containing notice was received back from the sole respondent.

It is submitted that since the service of the show cause notice could not be effected on the sole Respondent on usual mode, the matter above mentioned was listed before the Court of Registrar from time to time and again an Office Report for Directions was listed before the Hon'ble Judge Chambers on 12.10.2015, when His Lordship was pleased to pass the following order:

"Notice to be served upon the sole respondent through the jurisdictional Police Station."

Accordingly show cause notice was sent to the Jurisdictional Police Station for service on sole respondent but the unserved cover was received back with postal remarks

"insufficient address".

Thereafter, the matter above mentioned was listed before the Court of Registrar from time to time and when an ORD was listed before the Hon'ble Judge in Chambers on 30.09.2016 and 15.12.2016, when His Lordship was pleased to pass the following orders:

30.09.2016

"As prayed for, four weeks' time is granted to learned counsel for the petitioner to file fresh address of sole respondent and complete address of Jurisdictional Police Station wherefrom notice was received back."

15.12.2016

"One month time is granted to do the needful. Office report is ordered accordingly."

It is submitted that Counsel for the Petitioner has neither filed fresh address of sole respondent nor filed correct address of police station wherefrom show cause notice was received back unserved, so far.

Service of notice is not complete on sole respondent.

The office report on default in the matter above mentioned is listed before the Hon'ble Judge in Chambers.

Dated this the 31st day of January, 2017.

ASSISTANT REGISTRAR

COPY TO:

Mr. K.V. Bharathi Upadhyaya, Advocate

ASSISTANT REGISTRAR

RB