

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

**PETITION FOR SPECIAL LEAVE TO APPEAL (CRL.) NO. 5646-5648 OF 2011
WITH
CRIMINAL MISCELLANEOUS PETITION NOS. 13195-13197, 13199-13201 AND
14746-14748 OF 2011**

(Applications for condonation of delay in filing and refiling slp and stay respectively)

C.B.I. ... Petitioner(s)

VERSUS

K. DAYAKAR & ORS. ... Respondent(s)

OFFICE REPORT

It is submitted that an office report for directions dated 8th December, 2014 was listed before the Hon'ble Judge in Chambers on 12th January, 2015 when his Lordship was pleased to pass the following order :

"S.L.P.(Crl.) No. 5645 of 2011

It is brought to the notice of this Court that the sole respondent has expired. Therefore, no cause of action survives in this special leave petition. The same is, accordingly, dismissed."

It is submitted that pursuant to the order quoted above, Special Leave Petition stands dismissed in respect of sole Respondent in SLP (Crl.)No. 5645 of 2011.

Accordingly, Cause-title has been amended and included in Special Leave Petition paper books.

Thereafter, SLP (Crl.)No. 5646-48 of 2011 were listed before the Hon'ble Court on 8th July, 2015 when the Court was pleased to pass the following Order:-

"Mr. V.K. Kaushik, Adv. today appeared on behalf of the respondent and seeks time for filing vakalatnama and counter affidavit as Mr. S.K. Sabharwal earlier appearing in the matter has passed away. He may do the needful within four weeks.

Post for hearing on a non-miscellaneous day."

It is submitted that pursuant to order quoted above, since Mr.S.K. Sabharwal, Advocate who was representing the sole Respondent has expired. Notice for Alternative Arrangements has been issued to the sole Respondent but no one has entered Vakalatnama/Appearance or Counter Affidavit on behalf of sole Respondent in Special Leave Petition(Crl.)No. 5646 of 2011.

SLP (Crl.)No. 5647 of 2011

Service of Show Cause Notice is complete on the sole Respondent as represented by Mr. S.S. Nehra, Advocate.

SLP (Crl.)No. 5648 of 2011

There is a sole Respondent.

It is submitted that Mr. V.N. Raghupathy, Advocate has averred before the Court of Registrar on 11th December, 2012, that his client viz. M. Abraham, sole Respondent has obtained 'No objection' Certificate from him but neither he has filed an application for his discharge from this case nor any one has filed Vakalatnama/Appearance on behalf of sole Respondent in Special Leave Petition (Crl.)No.5648 of 2011 till date. Hence, name of Mr. V.N. Raghupathy, Advocate is still in existence in all Court's Order/Record of Proceedings.

It is submitted that there is total delay of 247 days in filing and re-filing the Special Leave Petition i.e. 126 days in filing and 121 days in re-filing the Special Leave Petition and Counsel for the Petitioner has filed applications for condonation of delay in filing and re-filing the same.

Contd..3/-

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

DATED this the 24th day of June, 2016.

ASSISTANT REGISTRAR

COPY TO:

1. Mr. A.K. Sharma, Advocate
2. Mr. S.S. Nehra, Advocate
3. Mr. V.N. Raghupathy, Advocate
127, Old Lawyer's Chambers, S.C.I., N.D.

c4/dk

ASSISTANT REGISTRAR