

ITEM NO.1

COURT NO.11

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CRLMP.NO. 14543/2011 in Special Leave to Appeal (Crl) No(s).8353/2010

RAM NATH & ORS.

Petitioner(s)

VERSUS

STATE OF U.P.& ORS.

Respondent(s)

(For provisional/interim bail and office report)

Date: 27/09/2011

This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s)

Mr. K.B. Sinha, Sr. Adv.
Mr. Dinesh Kr. Tiwari, Adv.
Mr. Chandan Kr., Adv.
Ms. Rita Upadhyay, Adv.
Ms. Shama Sharma, Adv.
Mr. Bibhu Shankar Mishra, Adv.
Mr. Chandra Shekhar, Adv.

For Respondent(s)

Mr. R.K. Dash, Sr. Adv.
Mr. Manoj Kumar Dwivedi, Adv.
Mr. G.V. Rao, Adv.

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

We find that despite our order dated 23rd September, 2011 which was duly communicated to the Home Secretary, State of U.P. by the Registry by way of Fax as well as Speed Post, the Home Secretary does not consider it fit to appear before this Court. We wanted the Home Secretary to appear before this Court or send

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an authorized representative on his behalf on the ground that in the instant matter, learned counsel for the State of U.P. has not filed Vakalatnama and he did not appear before us on the last occasion i.e. 23rd September, 2011. Even today, no Vakalatnama has been filed on behalf of the State of U.P. and the Home Secretary is also not present for some inexplicable reasons. Nor has he filed any affidavit explaining the

reasons which prevented him from appearing before this Court or sending any authorized representative on his behalf. There is also no valid and reasonable explanation forthcoming for non filing of the Vakalatnama either.

We are shocked and dismayed and consider this attitude of the State Home Secretary an affront to the order of this Court.

However, on the prayer of Mr. R.K. Dash, learned senior counsel appearing for the State, we adjourn this case to Thursday i.e. 29th September, 2011 on his submission that the Home Secretary will appear before this Court definitely on 29th September, 2011.

In the meantime, the petitioner is directed to amend the cause title of the bail petition.

List the matter on 29th September, 2011 at the top of the Board as Item No. 1.

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The Registrar (Judl.) of this Court is directed to communicate this order to the Home Secretary of the State of U.P. at once.

(G.SUDHAKARA RAO)
Court Master

(VINOD KULVI)
Court Master