

SECTION-IIB
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.119 OF 2008

AND

CRIMINAL APPEAL NO.1243 OF 2009

Rabilochan Das etc.

... Appellants

VERSUS

State of West Bengal and Ors. Etc.

... Respondents

OFFICE REPORT FOR DIRECTIONS

It is submitted that the concerned Trial Court vide its letter dated 19.12.2012 (copy enclosed) informed this registry that Mr. Mahadeb mondal, who is respondent No.8 in Criminal Appeal No.119/2008 and Respondent No.7 in Criminal Appeal No.1243/2009, could not be served with the notice as the said respondent died four years ago as reported by concerned process server. As Mr. S.K.Bhattacharya, Advocate for the appellant in Criminal Appeal no.119/2008 and Mr. Anip Sachthey, Advocate for the appellant in Criminal Appeal No.1243/2009 did not take any steps as against the said common respondent No.8 and 7 in both the appeals as mentioned above, an office report for direction was listed before the Hon'ble Judge in Chambers on 04.9.2014, when His Lordship was pleased to pass the following Order:

“As prayed for, four weeks' time is granted to the counsel for the appellant to comply with the Office Report.”

It is submitted that since counsel for the appellant in both the appeals above mentioned did not comply with the above quoted directions dated 04.09.2014, an office report on default was listed before the Hon'ble Judge in Chambers on 13.11.2014, when His Lordship was pleased to pass inter alia the following Order:

“Learned counsel appearing for the appellant-State in Crl.A.No.1243 of 2009 and learned counsel appearing for the appellant-complainant in Crl.A.No.119 of 2008, pray that they may be furnished copy of that death certificate so that the appellant-State may verify its correctness and thereafter appropriate steps may be taken in connected matters.”

It is submitted that, pursuant to the above quoted order, counsel for the appellant-State instead of filing a proper death certificate of the common respondent viz. Mahadeb Mondal vide letter dated 02.12.2014 has furnished a photocopy of death certificate of the said common respondent issued by Pradhan of Bishpuria Gram Panchayat with the an endorsement of District

Development Officer, Hura Development Block, P.O. Hura, District Purulia "Issue death certificate in proper format after verification". Copy of the letter dated 02.12.2014 alongwith the said death certificate, which is not in a proper format as per endorsement given therein, is enclosed herewith for perusal of the Hon'ble Court.

It is further submitted that since counsel for the appellant-State has not filed proper death certificate of the common respondent viz. Mahadeb Mondal i.e. Respondent No.8 in Criminal Appeal No.119 of 2008 and Respondent No.7 in Criminal Appeal No.1243 of 2009, the appeals above mentioned were listed before the Court of Registrar from time to time and when lastly listed on 28.01.2016, the following Order was passed:

"Respondent No.8 in Crl.A.No.119/2008 and Respondent No.7 in Crl. A.No.1243/2009 are reported to be dead. The learned counsel for the appellant failed to file the death certificate and to take further steps as against them despite opportunities. Viewed in that context, the matter shall be processed for listing before the Hon'ble Judge in Chambers for further future directions. Await orders. List thereafter."

The office report for directions in the matter above mentioned is, therefore, listed before the Hon'ble Judge in Chambers.

DATED this the 29th day of January, 2016

ASSISTANT REGISTRAR

Copy to:

1. Mr. S.K.Bhattacharya, Advocate
2. Mr. Anip Sachthey, Advocate
3. Mrs. Sarla Chandra, Advocate
4. Mr. Anupam Lal Das, Advocate

ASSISTANT REGISTRAR