

ITEM NO.5

COURT NO.10

SECTION IIB

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

Criminal Appeal No.119/2008

RABILOCHAN DAS

Appellant(s)

VERSUS

STATE OF WEST BENGAL & ORS.

Respondent(s)

(Office report on default)

WITH Cr1.A. No.1243/2009 (Office report on default)

SLP(Cr1) No.7027/2011 (Office report on default)

Date : 13/11/2014 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVA KIRTI SINGH
[IN CHAMBER]

For Appellant(s)/

Petitioner(s)

Mr. S. K. Bhattacharya, Adv.

Mr. Mohit Paul, Adv.

For Mr. Anip Sachthey, Adv.

Mrs. Sarla Chandra, Adv.

For Respondent(s)

Mr. Mohit Paul, Adv.

Mr. Anip Sachthey, Adv.

Mr. Suchit Mohanty, Adv.

Mr. Anupam Lal Das, Adv.

Mr. Avinash Singh, Adv.

Mr. Hipen Dasan, Adv.

For Mrs. Sarla Chandra, Adv.

Mr. Abhijit Sengupta, Adv.

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

Heard learned counsel appearing for the parties.

These appeals by special leave and the special leave petition

arise out of the common impugned judgment and order dated 11.05.2007 passed by the High Court of Calcutta in C.R.A. No.201 of 2004 whereby the High Court acquitted some of the accused persons. The convicted accused have preferred Special Leave Petition (Crl) No.7027/2011 in which the acquitted accused are the respondents.

Learned counsel appearing for the petitioners in that case submits that he has relevant death certificate to show that one of the acquitted accused-respondent no.8 (Mahadeb Mondel) is dead.

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.

Learned counsel appearing for the petitioners-convicted accused in SLP, assures that he will serve copy of the said death certificate on the counsel for the appellant-State and the Complainant during the course of the day.

As prayed for, let necessary steps be taken in respect of deceased respondent -acquitted accused (Mahadeb Mondal) in these appeals and the SLP within four weeks from today.

Learned counsel appearing for the petitioners in SLP(Crl.) No.7027 of 2011, has raised a grievance that no date has been fixed for completing service upon the acquitted accused who are the respondents in that case and are not accepting notice. Let the Registry take required steps to ensure service of notice upon those respondents.

Mr. Suchit Mohanty, learned counsel, submits that he has already entered appearance on behalf of some of the acquitted accused and he shall have no objection in accepting notice on behalf of such acquitted accused for whom he has entered appearance.

In that view of the matter, learned counsel appearing for the petitioners in SLP(Crl.) No.7027/2011 is permitted to serve notice on Mr. Mohanty in respect of such acquitted accused-respondents who have already entered appearance, within four weeks from today.

(SANJAY KUMAR)
COURT MASTER

(INDU POKHRIYAL)
COURT MASTER