

SECTION-II-B
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CRL.) Nos 7098-7099 OF 2013

WITH

CRIMINAL MISC. PETITION NOS. 17913 OF 2013

(Application for exemption from filing official translation)

SHIV KUMAR

... Petitioner(s)

VERSUS

HUKAM CHAND & ORS. ETC ETC

... Respondent(s)

OFFICE REPORT ON DEFAULT

The matters above mentioned were listed before the Hon'ble Court on 02.08.2013 when the Hon'ble Court was pleased to pass the following order:

**Permission to file SLP is granted.
Issue notice on the application seeking condonation
of delay as well as on the Special Leave Petitions.**

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Accordingly, show cause notice was issued to all the four respondents through regd. Post on 10.9.2013.

It is further submitted that Mr. Y. P. Dhingra, Advocate has on 22.10.2013 filed Vakalatnama/Appearance on behalf of respondent nos. 1 to 3.

It is further submitted that neither the A.D. Card nor the unserved cover containing the said show cause notice has been received in respect of Respondent no.4, so far.

Service of the show cause notice is incomplete on Respondent no.4 .

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Accordingly, show cause notice was issued to all the seven respondents through regd. Post on 10.9.2013.

It is further submitted that Mr. Y. P. Dhingra, Advocate has on 22.10.2013 filed Vakalatnama/Appearance on behalf of Respondent Nos. 1 to 4 and 6.

It is further submitted that neither the A.D. Card nor the unserved cover containing the said show cause notice has been received in respect of Respondent no.5 and 7, so far.

The above service position was apprised to the Registrar Court on 4.4.2014 when the Registrar Court directed to take fresh steps for the service of notice on the respondent nos. 5

and 7.

It is further submitted that Mr. R. C. Kaushik, Counsel for the Petitioner has not filed affidavit of dasti service in respect of unserved respondent nos. 5 and 7.

Service of the show cause notice is incomplete in respect of Respondent Nos. 5 and 7.

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The above service position in the matters was listed before the Registrar Court from time to time and finally on 17.12.2014 when the following order was passed :

"The office report indicates that although by order dated 9.10.2014 of this Court four weeks time, as last chance was given to the learned counsel for the petitioner to comply with the terms of the Office Report, yet he has not done the needful so far. Viewed in that context, the matter shall be listed before the Hon'ble Judge in Chambers for further future directions. Await orders. List thereafter."

It is further submitted that Mr. R. C. Kaushik, Counsel for the Petitioner has on 6.1.2015 filed affidavit stating therein that Mr. Shiv Kumar, Petitioner in both the matters has died on 6.7.2012 and the Counsel for the Petitioner has further stated in the affidavit that Respondent No.5 in Special Leave Petition(Crl.) No.7099 of 2013 has also died but the Counsel has not filed death certificates. Copy of affidavit has been included in Special Leave Petition paper books for kind perusal of the Hon'ble Court.

It is further submitted that as regards Respondent no. 7/State of Haryana in Special Leave Petition(Crl.) No.7098 of 2013 and Respondent no. 4/State of Haryana in Special Leave Petition(Crl.) No.7099 of 2013, Mr. R. C. Kaushik, Counsel for the Petitioner has on 16.1.2015 filed a affidavit of dasti service of notice on Standing Counsel for the State of Haryana/Respondent no. 7 in Special Leave Petition(Crl.) No.7098 of 2013 and Respondent no. 4/State of Haryana in Special Leave Petition(Crl.) No.7099 of 2013 but no one has filed Vakalatnama/Appearance on behalf of Respondent Nos. 7/Respondent No. 4 respectively. (Copy of affidavit of dasti service has been included in Special Leave Petition paper

books for the kind perusal of the Hon'ble Court).

It is lastly submitted that Mr. R. C. Kaushik, Counsel for the Petitioner has neither taken any steps seeking abatement of Special Leave Petition against the common sole petitioner in both the matters as well in respect of respondent no. 5 in Special Leave Petition(Crl.) No. 7099 of 2013 having been expired, as a result of which further progress in the matter is held up.

The office report on default in the matters above mentioned is therefore listed before the Hon'ble Judge in Chamber.

DATED this the 11th day of July, 2015

ASSISTANT REGISTRAR

Copy to: 1.Mr. Y.P. Dhingra, Advocate
2. Mr.R. C. Kaushik, Advocate

ASSISTANT REGISTRAR