

SECTION XVI-A

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

LISTED ON : 30.9.2013
COURT No. : 11
ITEM NO. 58

TRANSFER PETITION (CRIMINAL) No. 10 OF 2013

SURENDRA NATH MISHRA

.....Petitioner

Versus

VIJAY KUMAR MISHRA & ORS

.....Respondent

OFFICE REPORT

The Transfer Petition above mentioned was listed before the Hon'ble Court on 07.01.2013, when the Court was pleased to pass the following Order

**"Permission to file transfer petition is granted.
Issue notice, returnable two weeks hence.**

**Let the State of Uttar Pradesh be served both in
the usual course and also through its learned
Standing Counsel.**

Dasti, in addition."

Accordingly, notice was issued to all the ten respondents through registered A.D. Post as well as dasti on 15.1.2013.

It is submitted that Mr. Ardhendumauli Kumar Prasad, Advocate has filed Vakalatnama and memo of appearance on behalf of respondent no. 10.

It is further submitted that neither A.D. nor unserved cover containing notice have been received from respondent nos. 1 to 9.

It is again submitted that counsel for the petitioner has not filed affidavit of Dasti Notice.

Thereafter the matter was listed before the Ld. Registrar (Judl.) on 04.02.2013, when he was pleased to pass the following orders:-

"Ld.counsel for the petitioner submits that respondent Nos.1-9 could not be served and seeks service of notice of respondent Nos.1-9 through the Special Judge, Gangster Act, Allahabad(U.P.) in Session Trial No.59/2009. Permitted. Issue notice. Await service report of respondent Nos.1-9. Respondent No.10 has filed vakalatnama. Granted four weeks time for filing counter affidavit.

List the matter on 20.03.2013."

Contd..2/-

Accordingly, notice was issued to respondent nos. 1 to 09 respondents through Trial court on 14.2.2013.

It is submitted that Ms. Ranjeeta Rohtagi and Mr. P.K. Jain , Advocates has filed Vakalatnama and memo of appearance on behalf of respondent nos. 1 and 5.

It is further submitted that service report has been received from the Trial court stating therein that the notice have been duly served upon respondent nos. 1 to 9.

It is again submitted that counsel for the respondent no.10 has filed counter affidavit after serving its copy on the other side. Copy of the same has been included in the paper books.

The matter was lastly listed before the Ld. Registrar (Judl.) on 21.08.2013, when he was pleased to pass the following orders:-

"Service is complete. Respondent No.10 has filed counter affidavit. Ld.counsel for respondent No.1 seeks four more weeks time for filing counter affidavit. Granted time as a last chance. The matter may listed before the Hon'ble Court after the expiry of four weeks."

It is submitted that counsel for the respondent no.1 has filed counter affidavit after serving its copy on the other side. Copy of the same has been included in the paper books.

Service of show cause notice is complete

The matter is listed before the Court with this Report.

Dated this the 26th day of September, 2013

ASSISTANT REGISTRAR

Copy to : Mr. Umang Shankar, Advocate
Mr. Ardhendumauli Kumar Prasad, Advocate
Mr. P.K. Jain, Advocate
Ms. Ranjeeta Rohtagi, Advocate

ASSISTANT REGISTRAR