

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

PETITION FOR SPECIAL LEAVE TO APPEAL (CRL.) NOS. 5185-5186 OF 2007 & 3282 of 2008

AJIT SINGH ETC.

... Petitioners

VERSUS

BIRJU @ BRIJ GOPAL & ORS.

... Respondents

OFFICE REPORT

PETITION FOR SPECIAL LEAVE TO APPEAL (CRL.) NOS. 5185-5186 OF 2007

The matters above mentioned were listed before the Hon'ble Court on 08.05.2013, when the Hon'ble Court was pleased to pass the following order:

"At request, post after ensuing summer vacation."

It is submitted that the instant matters are after notice matter.

It is further submitted that name of Respondent No. 3 in both the matter has been deleted vide this Hon'ble Court order dated 29.08.2011 Copy of the amended cause title has been included in the Special Leave Petition Paper Books for kind perusal of the Hon'ble Court.

It is further submitted that Respondent No. 1,2 and 4 to 7 are common in both the matters. Common Respondent Nos. 1, 2, 4 and 6 to 7 in both the matters are represented through Mr. Ramesh N. Keshwani, Advocate. Respondent No.8/State of Haryana is represented through Mr. Kamal Mohan Gupta Advocate.

It is further submitted that neither A.D. Card nor unserved cover containing notice has been received back in respect of Respondent No.5.

As service of Show Cause Notice was incomplete on Common Respondent No.5, an Office Report on default in the matter above mentioned was listed before the Hon'ble Judge in Chambers from time to time and lastly on 10.09.2012, when His Lordship was pleased to pass the following order:

"Office Report dated 08.09.2012 indicates that the petitioner has not filed proof of Dasti service in respect of unserved Respondent No. 5

so far.

However, learned counsel for the petitioner has explained that Respondent No. 5 is deliberately avoiding service of Show Cause Notice as this Special Leave Petition has been filed against his acquittal. The counsel has, therefore, made a request for service of notice on Respondent No. 5 taking assistance of the Trial Court.

Considering the circumstances under which, Respondent No.5 could not be served with the Show Cause Notice, appropriate procedure be adopted for serving the notice on Respondent No. 5 with the assistance of Trial Court.

Registry may proceed accordingly."

Accordingly, Notice of Respondent No.5 was issued.

It is submitted that Mr. Subramonium Prasad, Counsel for the Petitioner has on 04.01.2013 filed affidavit of service with proof of service of the notice stating therein that notice in respect of Respondent No. 5 has been served but no one has entered appearance on behalf of the Respondent No.5.

Service of Show Cause Notice is complete.

PETITION FOR SPECIAL LEAVE TO APPEAL (CRL.) NO 3282 of 2008

The matter above mentioned was listed before the Hon'ble Court on 21.04.2008, when the Hon'ble Court was pleased to pass the following order:

"Issue notice both on application for condonation of delay as also on the special leave petition.

Tag with SLP(Crl.) Nos. 5185-5186/2007."

It is submitted that the instant matter is an after notice matter and originally there were seven respondents in the matter.

It is submitted that name of Respondent No. 3 has been deleted vide this Hon'ble Court order dated 29.08.2011 Copy of the amended cause title has been included in the Special Leave Petition Paper Books for kind perusal of the Hon'ble Court.

It is further submitted that A. D. card duly signed has been received from the respondent No. 7, but no one has entered appearance on behalf of Respondent NO.7.

It is further submitted that neither A.D. Card nor

unserved cover containing notice has been received back from the Respondent No. 1, 2, 4 to 6.

It is further submitted that Respondent No.5 is common in all the matters and Counsel for the Petitioner 04.01.2013 filed affidavit of service with proof of service of the notice stating therein that notice in respect of Respondent No. 5 has been served but no one has entered appearance on behalf of the Respondent No.5.

It is further submitted that Respondent Nos. 1,2, 4 and 6 to 7 in the matter are common as in Special Leave Petitions Crl.) No. 5185-5186 of 2007 and are represented through Mr. Ramesh N. Keshwani in Special Leave Petitions Crl.) No. 5185-5186 of 2007.

Service of show cause notice is complete in both the matters.

The matters mentioned above are listed before the Hon'ble Court with this office report.

DATED this the 13th day of September, 2014

ASSISTANT REGISTRAR

COPY TO:

1. Mr. Subramonium Prasad, Advocate
2. Mr. Kamal Mohan Gupta, Advocate
3. Mr. Raamesh N. Keshwani, Advocate.

ASSISTANT REGISTRAR

c3/hk