

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No. 3035/2000

(From the judgement and order dated 21/07/2000 in WP 42/00  
of The HIGH COURT OF KARNATAKA AT BANGALORE)

R. KESHAHA Petitioner (s)

VERSUS

M.B. PRAKASH & ORS. Respondent (s)

Date : 29/11/2000 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS  
HON'BLE MR. JUSTICE U.C. BANERJEE  
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Mr. B.Kumar, Sr. Adv.  
Mr. K.K. Mani, Adv.

For Respondent (s) Mr. Mohan V. Katarki, adv.  
Mr. N.Ganpathi, adv.

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

.....L.....I.....T.....T.....T.....T.....T.J  
.SP2

Heard.

After hearing the parties for some time the Court reserved its judgment in this matter.

On 15.11.2000 this Court passed the following order:

.....L.....I.....T.....T.....T.....T.....J  
.SP1

"The State of Karnataka is directed to cause an affidavit to be filed sworn to by the authority which passed the order of confirmation of the detention on 18.4.2000 showing what all records were with the Government/what all records were considered by the Government

before passing the order of confirmation.

The affidavit shall be filed in this Court within 10 days from today.

List on 28.11.2000."

.....L.....I.....T.....T.....T.....T.....T.J  
.SP2

In answer thereto an affidavit has been sworn to by Mr. M.B.Prakash, Principal Secretary to Government of Karnataka (Home and Transport Department - who is respondent No.1 here). We have not been able to find out from the affidavit as to "what all records were with the Government/what all records were considered by the Government before passing the order of confirmation". We feel that the said Principal Secretary has not complied with the direction contained in our order, and that he has flouted it. Hence we hereby issue notice to Mr. M.B.Prakash, Principal Secretary to the Government of Karnataka, Home and Transport Department, to show cause why adverse remarks shall not be made by us against him for flouting this Court's direction. The answer shall reach this Court within one week.

Copy of this order will be given to the counsel for the State of Karnataka today itself for communication to the person concerned.

.SP1

(Suman Wadhwa)  
PA to Addl.Regr.

(H.K. Bhatia)  
Court Master