

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

BEFORE THE REGISTRAR S.G. SHAH

Petition(s) for Special Leave to Appeal (Crl) No(s).4656/2009

RAKESH Petitioner(s)

VERSUS

STATE OF U.P.& ORS. Respondent(s)

Date: 21/07/2011 This Petition was called on for hearing today.

For Petitioner(s)  
Mr V.P.Tripathi, Adv.  
Mr. R.D. Upadhyay, Adv.

For Respondent(s)  
Mr Rajeev K Dubey, Adv.  
Mr Kamlendra Mishra, Adv.

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

There is an affidavit of service of dasti notice dated 18.11.2010 on record since 18.10.2010 itself.

In such affidavit petitioner herein has categorically stated on oath in para 5 of such affidavit that the ld. Upper Judicial Masgistrate, Bulandshahar has refused to accept the application with dasti notices for serving it upon the unserved respondent Nos.2,3 and 6 and therefore, notices could not be served. With such affidavit petitioner has produced one application and affidavit. At nowhere there is any endorsement or order by such Judicial Magistrate, Bulandshahar denying to accept the notices for confirming the service as directed by this Court. Full set of these documents are to be

Item No.32

forwarded to the ld. Registrar General of Allahabad High Court for enquiry from the concerned Judicial Magistrate, Bulandshahar about the correct position and the report to this

Court that if at all, if any Judicial Magistrate has refused to help the petitioner to confirm service, why it is done so.

However, the fact remains that after such refusal, matter was listed before this Court on 21.1.2011 when my predecessor has directed the petitioner to take fresh steps to confirm service of unserved respondent Nos. 2,3 and 6, the ld. Advocate for the petitioner says that they have paid process fee and spare copies thereafter on 22.2.2011. It seems that thereafter notices were issued by registered post on 14.3.2011 but there is no proof of service till date. Let there be additional notice with additional process fee and spare copies of the pleadings which is to be forwarded to the ld. Registrar General of the Allahabad High Court with a specific direction to get it served through the local Court without fail.

List again on 22.9.2011.

(S.G.SHAH)  
Registrar

hj