

SECTION IIC
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CRL.) NO. 761 OF 2014

STATE OF H.P. . . .PETITIONER
VERSUS
HARBHAJAN SINGH AND ANR . . .RESPONDENT

REVISED OFFICE REPORT FOR DIRECTIONS

The matter above mentioned was listed before the Hon'ble Court on 20.01.2014, when the Hon'ble Court was pleased to pass the following order:

**"Delay condoned.
Issue notice.
Tag with SLP(Crl.) No. 7219 of 2008.**

Accordingly, Show Cause notice was issued to both the respondents but neither A.D. Card nor unserved cover containing notice was received back in respect of both the respondents.

Thereafter, the matter above mentioned was listed before the Registrar Court from time to time and when again listed on 23.09.2015, when the following order was passed:

**"Petitioner has yet to take fresh steps to get the show cause notice issued qua both the respondents. The Ld. Counsel has requested two weeks' time for the same. Be taken, as assured. Notice immediately thereafter be issued.
List again on 14.12.2015."**

It is submitted that Counsel for the Petitioner has taken fresh steps by filing two spare copies of petition and accordingly fresh show cause notice was issued to both the respondents by Registered A.D. Post but neither A.D. Card nor unserved cover containing notice was received back in respect of Respondent No. 1. Unserved cover containing notice was received back in respect of Respondent No. 2 with postal remarks 'no person of this name resides in Badwal Village'.

Thereafter, the matter above mentioned was listed before the Registrar Court on 04.03.2016, 01.07.2016 and 02.09.2016, when the following orders were passed:

"04.03.2016

Two weeks time is granted for furnishing fresh address of respondent no. 2 and taking fresh steps for service of respondent no. 1. Notice be issued thereafter.

List again on 01.07.2016.

01.07.2016

Last opportunity is granted to the petitioner for furnishing the fresh address of respondent No.2 and for taking fresh steps for service of respondent No.1 within two weeks.

Notice thereafter be issued.

List again on 2.9.2016.

02.09.2016

Despite last opportunity having been granted, fresh steps in respect of respondent nos. 1 and 2 alongwith address of respondent no.2 have not been taken/furnished.

Let the matter be placed before the Hon'ble Judge in Chambers for further directions."

It is submitted that since Counsel for the Petitioner did not take fresh steps in respect of Respondent Nos. 1 & 2 and also not furnished fresh address of Respondent No. 2, an office report for directions was listed before the Hon'ble Judge in Chambers on 22.09.2016, when His Lordship was pleased to pass the following order:

"Office report dated 7.9.2016 perused.

Keeping in view the order sheets dated 4.3.2016, 1.7.2016, 2.9.2016 of the Registrar, I am constrained to grant last opportunity to the petitioner to ensure compliance of Office report dated 7.9.2016 within three weeks."

It is submitted that in pursuance of order quoted above, Counsel for the Petitioner has on 22.09.2016 filed two spare copies of petition and on 6.12.2016 filed fresh address of Respondent No. 2, but the address has been filed barred by time by 54 days.

Further, the address of Respondent No. 1 filed by Counsel for the Petitioner seems to be incorrect as the father's name of Respondent No. 1 in the new address is different from the address given in Special Leave Petition.

Service of notice is not complete on both respondents.

The Office Report for Directions in the matter above mentioned is listed before the Hon'ble Judge in Chambers.

Dated this the 8th day of December, 2016.

ASSISTANT REGISTRAR

COPY TO:

Ms. Pragati Neekhara, Advocate

ASSISTANT REGISTRAR