

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

CRIMINAL APPEAL NOS.1316-1317 OF 2005

State of West Bengal

...Appellant(s)

VERSUS

Rabindra Paswan and Ors.

...Respondent(s)

OFFICE REPORT

These are appeals by special leave granted vide this Court's Order dated 03.10.2005.

It is submitted that applications for recall of order dated 28.01.2013 and for direction (Criminal Miscellaneous Petition Nos.13691-13692 and 13468-13469 of 2015) were listed before the Hon'ble Court on 20.08.2015, when the Court was pleased to pass the following Order:

“CRL.M.P.NOS.13691-13692 IN CRIMINAL APPEAL NO.1316-1317 OF 2005

In view of the statements made in these Crl.M.Ps., the order of the Hon'ble Chamber Judge dated 28th January, 2013 and the consequential order of the learned Registrar dated 25th April, 2013 is recalled.

Crl.M.P.Nos.13691-13692 are disposed of.

“CRL.M.P.NOS.158-159 OF 2012 AND CRL.M.P.NOS. 13468-13469 OF 2015 IN CRIMINAL APPEAL NO.1316-1317 OF 2005

The prayer for substituted service on respect No.5 – Purusattam Das Khoteta @ Tolly is allowed. Appellant is permitted to effect substituted service on respondent No.5 by publication of notice in “The Sanmarg” a daily Hindi Newspaper widely circulated in Howrah, Kolkata and in “The Statesman” a daily English Newspaper widely circulated throughout the country including Howrah, Kolkata. Notice on the said respondent No.5 be also effected through the learned trial Court.

Crl.M.P.Nos.158-159 of 2012 and Crl.M.P.Nos. 13468-13469 of 2015 are disposed of.

List the appeals after the service is complete.”

It is submitted that pursuant to the above quoted order appeals in respect of respondent No.5 has been restored. Cause title has been amended accordingly and amended cause title has been included in the paper books.

It is further submitted that pursuant to the order dated 20.08.2015 Certificate of service of notice of lodgment of petition of appeal in respect of

unserved respondent No.5 has been received from The Additional District & Sessions Judge, 1st Court stating therein that the notice has been duly served on unserved respondent Mr. Purusattam Das Khoteta @ Tolly/Respondent No.5, but no one has filed vakalatnama and appearance on behalf of respondent No.5 so far. Copy of Certificate of service is enclosed herewith for kind perusal of the Hon'ble Court.

It is further submitted that Respondent Nos.1 to 4 are represented by Mr. Shibashish Misra, Advocate.

It is further submitted that counsel for the appellant has filed affidavit of service of notice of lodgment of petition of appeal in respect of Respondent No.6 alongwith proof of service.

Service of notice of lodgment of petition of appeal is complete.

It is further submitted that original records pertaining to the High Court and Trial Court have been received and the same are available in the Court Room for the reference of the Hon'ble Court.

The Appeals are ready for hearing pursuant to the order dated 25.04.2013 of the Court of Registrar.

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

DATED this the 13th day of October, 2015

ASSISTANT REGISTRAR

Copy to:

1. Mr. Anip Sachthey, Advocate
2. Mr. Shibashish Misra, Advocate

ASSISTANT REGISTRAR