

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).4588/2011

VISHAL CHAWLA & ORS.

Petitioner(s)

VERSUS

STATE OF U.P.& ORS
(With appln(s) for directions and office report)

Respondent(s)

Date: 25/07/2011 This Petition was called on for hearing today.

For Petitioner(s)

Mr. Sukant Vikram, Adv.
Mr. Jayant Kumar Mehta, Adv.

For Respondent(s)

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

It is unfortunate that even after repeated orders, Advocates are filing improper proof of service in such cases, without following the procedure as laid down in the Code of Civil Procedure for such instances.

Moreover, it is surprising to know that though respondent No.1 is State, petitioner has not confirmed that who has refused the notice and make an open statement that respondents have refused to accept notice. It is repeatedly disclosed that it would be very easy for the litigant to pass such affidavit. The fact remains that an application to quash the complaint by the petitioner is dismissed by the High Court Item No.143

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and thereby criminal case is pending before the Trial Court.

In such case it would be easy for the litigant to confirm service through such court. No such steps are taken on record. It is surprised to note that how the petitioners are coming to the court without following the legal procedure and making abrupt statement on oath about their activities.

The fact remains that there is interim order in favour of the petitioner since 20.6.2011 whereby there is a

direction not to arrest him in connection with the concerned

FIR.

As last chance, learned counsel for the petitioner is permitted to confirm service upon the unserved respondents.

Issue fresh notice upon the unserved respondents.

Dasti, in addition, is allowed which is permitted to be served through the nearest Civil Court/Trial Court/standing counsel.

If proof of service is not filed before 7.9.2011, list before the Hon'ble Judge in Chambers for non-prosecution.

(S.G. SHAH)
REGISTRAR

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