

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).9754-9755/2010

STATE OF U.P.

Petitioner(s)

VERSUS

HET RAM & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T.,stay)

Date: 04/09/2012 These Petitions were called on for hearing today.

For Petitioner(s)

Ms Archana Singh, Adv.
Mr. Abhisth Kumar, Adv.

For Respondent(s)

Mr R Anand Padmanabhan, Adv.
Mr. Shashi Bhushan Kumar, Adv.

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

Petitioner has filed an affidavit of Sub-Inspector, Satyavir Singh of Police Station Kotwali City, District-Bijnor, U.P. Dated 27.8.2012; on 3.9.2012; wherein it is stated that now respondent no.2. Mukhtar Ahmed is no more. True Copy of Death Certificate is also attached with such affidavit. However, the fact remains that such Death Certificate in the name of Mukhtar Ahmed, is of the person who is residing in the village, Salahpur and not Sultanpur whereas address of respondent no.2 in cause title is disclosed as resident of Village-Sultanpur. Therefore it is

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Item No.7

difficult to believe that whether respondent No.2, Mukhtar Ahmed, r/o Sultanpur himself has died or some other person has died. In view of such fact practically it is for the original Investigating Officer who has recorded the statement of all such persons including respondent no.2, Mukhtar Ahmed, as categorically stated in Para 6 of the High Court Judgment, to clarify such position on record so far as status of respondent no.2 is concerned.

Even thereafter respondent No.5 remains unserved on record. Petitioner has to take appropriate steps to confirm service upon respondent No.5. They may file proper proof of service before 12.10.2012, else list before the Hon'ble Judge in Chambers for non-prosecution against both respondents.

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| (S.G.SHAH)
| REGISTRAR

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