

ITEM NO.48

SECTION XVIA

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

RECORD OF PROCEEDINGS

BEFORE REGISTRAR B. SUDHEENDRA KUMAR

TRANSFER PETITION (CRL.) NO(s). 456 OF 2005

MUKESH GUPTA & ANR.

Petitioner(s)

VERSUS

SUKHLAL MUNDA

Respondent(s)

Date: 23/08/2006 This Petition was called on for hearing today.

For Petitioner(s) Mr. Sudhakar Pandey, Adv.

Mr. Shaad Anwar, Adv.

Mr. Manoj Aggrawal, Adv.

Mr. Subhash Chandra Jain, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

The petitioners have filed an application for serving notice on the unserved sole

respondent by publication in the newspapers.

Heard.

Perused the application.

It is borne out from the application and the records that the petitioners have filed the

present application on the sole reason that the notice could not be served on the sole respondent

under normal mode of service. It is further borne out from the records that the petitioners had

also served the notice on the learned counsel appearing for the respondent before the trial court.

In the said circumstances, I am of the view that it is only just and proper to permit the petitioners

to serve notice on the sole respondent by substituted service, by publication in the newspapers.

The petitioners have not stated the name of the newspapers in the application.

However, the learned counsel for the petitioners has submitted in the open Court that the notice be

served on the sole respondent by publication in 'Dainik Jagaran', a Hindi Daily and 'Times of

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India' an English Daily. It has been further submitted by the learned counsel for the petitioners

that the above said newspapers have wide circulation in the place of residence of the respondent.

In the said circumstances, I am inclined to allow this application with a further direction that

notice be served on the sole respondent by affixation on his last known address as well.

In the result, this application stands allowed and it is ordered that notice be served on

the sole respondent by publication in 'Dainik Jagaran' and 'Times of India', Dailies. The process

of publication shall be handed over to the counsel for the petitioners who shall file affidavit in

proof of publication with newspapers within four weeks. The process for affixation shall be sent to

the District Judge concerned.

List again on 29.9.2006.

heendra Kumar)

(B. Sud

Registrar