

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

BEFORE THE REGISTRAR S.G. SHAH

Petition(s) for Special Leave to Appeal (Cr1) No(s).5443/2008

(From the judgement and order dated 19/02/2008 in CRLMC No. 2246/2007  
of The HIGH COURT OF ORISSA AT CUTTACK)

BASANTILATA PATI

Petitioner(s)

VERSUS

STATE OF ORRISA & ANR.

Respondent(s)

(With appln(s) for cancellation of bail and office report )

WITH SLP(Cr1) NO. 6435 of 2008  
(With office report)

Date: 13/02/2009 This Petition was called on for hearing today.

For Petitioner(s) Mr. Anupam Lal Das,Adv.  
Mr. Suchit Mohanty,Adv.

For Respondent(s) Mr. Radha Shyam Jena,Adv.  
Mr. Janaranjan Das ,Adv.  
Mr. Swetaketu Mishra,Adv.

UPON hearing counsel the Court made the following  
ORDER

Learned Advocate for the petitioner has filed an affidavit of dasti service on 10h February, 2009, which is sworn by Shri Nilamani Swain who is local counsel for the petitioner. In such affidavit it is stated that Respondent No.1 Baba @ Asutosh Swain could not be served, since the family of Respondent No.1 has refused to receive the dasti notice.

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Learned Advocate for the petition is requesting to consider such affidavit as proper proof of service by referring the contents of Para No.4 of such affidavit, wherein it is disclosed that Respondent No.1 is not appearing before the concerned Police Station as per order dated 13.5.2008 in BLAPL No. 4988/2008 by the High Court.

Since such affidavit cannot be consider as proper service upon unserved respondent and in view of the statement made in such affidavit that unserved respondent is appearing before the Trial Court, learned Advocate for the petitioner wants to serve the unserved respondent through the Trial Court.

Let there be a fresh notice which is to be forwarded to the Trial Court for affecting service upon unserved respondent No.1 who has appeared before such Court, as per the statement made in the above referred affidavit Trial Court is specifically directed to affect the service either by Process

Server to serve the notice by affixing the same at the given address, if it could not be served in due course or through the Advocate appearing before such court for such unserved respondent.

Such notice be given dasti to the petitioner.

Registry has to address separate letter to the Trial Court to affect the service as per this order. Notice be issued, before 14th February, 2009.

List the matter on 27th February, 2009.

(S.G. Shah)  
Registrar

\*MG.