

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).6284/2010

KESHAV PRASAD PANDEY & ORS.

Petitioner(s)

VERSUS

STATE OF U.P.& ORS.
(With office report)

Respondent(s)

Date: 29/02/2012 This Petition was called on for hearing today.

For Petitioner(s)

Mr D.K.Thakur, Adv.
Mr. Debasis Misra,Adv.

For Respondent(s)

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

It is unfortunate that though there is an order to stay proceedings before the Trial Court since August, 2010 and though dasti notices were issued by the Hon'ble Court while granting stay, respondent Nos. 2 and 3 are yet unserved. The fact remains that there are more than one mode of confirming service of notice under the law. It is the duty of the petitioner, more particularly when there is an interim order in their favour and that too stay of the proceedings before the other Court, to see that notices are served at the earliest.

The fact remains that present petitioner No.3 is also petitioner in a Matrimonial Case No.1/2006. In view of such fact it would be easy for the petitioner to confirm service upon the unserved respondents either through such matrimonial

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Item No.9

case or through the case which is stayed by this Court i.e.,

Criminal complaint before the Special Chief Judicial

Magistrate, Varanasi being Complaint Case No.1080/2006. In

view of the above fact, petitioner is permitted to confirm

service through any of the above Court. Process Server of such court can certainly confirm service even by affixing the same at the given address if it could not be served in due course or through the ld. Advocate who is appearing for such litigant if at all they are represented through Advocate, since at least respondent No.2 is complainant whereas probably respondent No.3 is not a direct party to the Criminal Case No.1080/2006 which is sought to be quashed by this petition, she may at the most be a witness.

However, she being one of the litigant in Matrimonial Case No.1/2006 preferred by the present petitioner, petitioner can serve notice through such matrimonial case also.

Registry has to explain in writing to the undersigned that why the cause title before the High Court is not found in this file and in absence of such cause title how cause title in the SLP has been checked and verified and matter has been registered accordingly.

If outcome of dasti service is not filed on record on or before 12.4.2012, list before the Hon'ble Judge in Chambers for non-prosecution.

(S.G.SHAH)
REGISTRAR

hj