

ITEM NO.4

COURT NO.10

SECTION IIA

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

CRLMP.NO. 1411-1412/2011 in Petition(s) for Special Leave to Appeal  
(Crl) No(s).7474/2010

(From the judgement and order dated 30/10/2006 in RLA No. 149/2005  
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

PAWAN KUMAR

Petitioner(s)

VERSUS

STATE OF HARYANA &amp; ORS.

Respondent(s)

(For restoration and c/delay in filing application for restoration  
and office report)

Date: 07/02/2011      This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s)

For Respondent(s)      Mr. S. Bagga, Adv.

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

This is an application for restoration of Special Leave Petition (Criminal) No.7474 of 2010, which was dismissed in default because no one appeared for the petitioner.

Criminal Miscellaneous Petition No.19404 of 2010 filed by the petitioner was dismissed vide order dated 4.10.2010, which reads as under:

"No one has appeared for the petitioner despite

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the fact that the case was called twice. In view of this, the criminal miscellaneous petition is liable to be dismissed in default.

Even otherwise, we are satisfied that the averments contained in the application and the accompanying affidavit do not constitute sufficient cause warranting recall of order dated 9.8.2010.

The Crl.M.P. No.19404 of 2010 is accordingly dismissed."

Now, another application has been filed on behalf of the petitioner for restoration of the special leave petition.

We have heard learned counsel for the petitioner and perused the record. In our view, the application is liable to be dismissed because the cause shown for non appearance of the advocate on 9.8.2010 is not at all satisfactory.

That apart, no cause has been shown for the learned counsel's absence on 4.10.2010 when Criminal Miscellaneous Petition No.19404 of 2010 was dismissed.

Application for restoration is accordingly dismissed condoning 30 days' delay in its filing.

It may also be mentioned that the special leave petition was filed by the petitioner with an application for condonation of 1276 days' delay without any tangible cause what to say an insufficient cause. Therefore, there is no valid ground to entertain the application for restoration of the special leave petition.

(A.D. Sharma)  
Court Master

(Phoolan Wati Arora)  
Court Master

P.S.: Learned counsel who appeared for the petitioner did not give appearance slip