

ITEM NO.108

COURT NO.14

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

Criminal Appeal No(s). 1576-1578/2010

VIJOY KUMAR JAISWAL

Appellant(s)

VERSUS

STATE OF BIHAR AND ORS.

Respondent(s)

Date : 28/08/2014 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. GOPALA GOWDA  
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Appellant(s)

Mr. Ashok Kumar Sharma,Adv.

For Respondent(s)

Mr. Vinay Kr. Garg, Adv.  
Mr. Sushil Balwada, Adv.  
Mr. Anant K. Vatsya, Adv.  
Mr. Neeraj K. Sharma, Adv.  
Mr. Devendra Singh,Adv.

Mr. Gopal Singh,Adv.

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

Heard learned counsel for the appellant.

In the course of submission it has been brought to our notice that during the pendency of these proceedings, the respondent No.3 (Accused No.3) has died. Therefore, the proceedings qua respondent no. 3 abates. The Registry is directed to delete the name of the respondent no.3 from the array of the parties. Cause title shall be amended accordingly and amended cause title shall be filed within two weeks.

It is also brought to our notice that respondent no. 5 is not

served though the office report dated 19.08.2010 indicates that Mr. Gopal Singh, learned counsel for the State has filed affidavit of service in respect of respondent no. 5 and service of notice is complete on respondent no. 5 by affixation of notice at his house. Per contra, office report dated 22.08.2014 indicates that respondent nos 2 to 5 has been represented by Devendra Singh, Advocate. However, learned counsel for the respondents submit that they are representing respondent nos. 2 & 4 only. Registry is directed to clarify the position with regard to representation of the respondents within two weeks' time.

Further, since representation of respondent no. 5 is necessary to hear this matter, it is directed that notice shall be served upon respondent no.5, if service of notice is not complete in his respect. Hence, we direct the Registry to serve the notice upon respondent no.5 through the State Government as well as through concerned trial court, if respondent no.5 has not been served.

Learned counsel for the appellant sought permission to file additional documents. Permission granted. He shall file the additional documents after service the same upon the learned counsel for the respondents.

List the matter thereafter.

(VINOD KUMAR)  
COURT MASTER

(SAROJ SAINI)  
COURT MASTER