

**IN THE SUPREME COURT OF INDIA**  
**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL MISCELLANEOUS PETITION NOS. 11336 AND 11335 OF 2015**  
(Applications for condonation of delay in filing the Appeal with application for bail)

**IN**  
**CRIMINAL APPEAL NO. 771 OF 2008**

SHIVA @ SHIVAPPA ... APPELLANT(S)  
VERSUS  
STATE OF KARNATAKA ... RESPONDENT(S)

**OFFICE REPORT**

This is an appeal under Section 379 of the Code of Criminal Procedure 1973 read with Section 2 of the Supreme Court(Enlargement of Criminal Appellate Jurisdiction) Act 1970 against the judgment and final order dated 24.01.2007 passed by the High Court of Karnataka at Bangalore in Cril.A.No.278 of 2000)

It is submitted that since counsel for the appellant has not filed proof of surrender of the appellant an office report on default was listed before the Hon'ble Judge in Chamber on 04.03.2008. when His Lordship was pleased to pass the following Order:

**"Four weeks' time is granted for filing proof of surrender failing which the appeal shall stand dismissed."**

It is further submitted that pursuant to the above quoted order counsel for the appellant has not filed proof of surrender of the appellant and the appeal was updated as dismissed.

It is further submitted that Mr.B.Subrahmanya Prasad, counsel for the appellant has on 25.03.2014 filed applications for restoration of the appeal with proof of surrender of the appellant alongwith application seeking condonation of delay in filing application for restoration of the appeal (Criminal Miscellaneous Petition Nos.9197 and 9198 of 2014). The said applications were listed before the Hon'ble Judge in Chamber on 27.10.2014, when His Lordship was pleased to pass the following Order:

**"Heard learned counsel for the appellant."**

**Delay in filing the application for restoration is condoned.**

**Application for restoration is allowed.**

**Accordingly, the appeal is restored to its original number."**

It is further submitted that there is a delay of 85 days in filing the Criminal Appeal and the same is accompanied with an application for condonation of delay in filing the same.

It is lastly submitted that there were originally six respondents in this matter. Respondents Nos. 2 to 6 have been deleted from the array of parties vide this Hon'ble Court's Order dated 12.01.2015. Cause title has been amended accordingly and a copy of amended cause title has been included in the appeal paper books.

The applications in the Appeal above-mentioned are listed before the Hon'ble Court with this office report.

DATED this the 29th day of July, 2015.

ASSISTANT REGISTRAR

COPY TO:

1) Mr. Subrahmanya Prasad, Advocate

ASSISTANT REGISTRAR

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