

SECTION. IIA
IN THE SUPREME COURT OF INDIA

PETITION FOR SPECIAL LEAVE TO APPEAL(CRL.)NO. 8086 OF 2012
WITH
CRIMINAL MISCELLANEOUS PETITION NOS. 22726 & 22727 OF 2012
(Applications for ex-parte stay and exemption from filing official translation)

GY. NENDRA PANDEY @ G. PANDEY & ANR.Petitioner(s)

VERSUS

STATE OF JHARKHAND & ANR.Respondent(s)

OFFICE REPORT

The matter above-mentioned was listed before the Hon'ble Court on 31st October, 2012, when the Court was pleased to pass the following order:-

"Shri Nagendra Rai, learned Senior Counsel appearing for the petitioners brings to our notice about the order of Reference made by a three Judge Bench of this Court in Criminal Appeal No.1750 of 2008 and connected matters. He specifically refers to Question No.5 framed by the three Judge Bench of this Court. The said question reads as under:

"Does the power under Section 319 of the Code of Criminal Procedure, 1973 extend to persons not named in the FIR or named in the FIR but not charged or who have been discharged?"

IN THE INSTANT CASE, THE PETITIONERS WERE NAMED IN THE F.I.R. BUT WERE NOT CHARGE-SHEETED BY THE INVESTIGATING AGENCY. IN OUR OPINION, THE QUESTION THAT IS BROUGHT TO OUR NOTICE IS SPECIFICALLY THE ISSUE THAT WOULD ARISE FOR OUR CONSIDERATION AND DECISION. THEREFORE, AWAITING THE DECISION OF THE CONSTITUTION BENCH OF THIS COURT, WE ISSUE NOTICE IN THIS SPECIAL LEAVE PETITION AND GRANT INTERIM STAY OF THE ORDERS PASSED BY THE LEARNED ADDITIONAL SESSIONS JUDGE IN F.T.C.NO.2, BOKARO, IN S.T.NO.12 OF 2007, DATED 6.10.2010, INsofar AS

PETITIONER NOS.1 AND 2 ARE CONCERNED.”

Accordingly show cause notice was issued to both the respondents through registered A.D. Post.

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It is submitted that A.D. Card duly signed has been received back in respect of Respondent No. 1 i.e. State but no one has entered appearance on behalf of Respondent No. 1 i.e. State so far. Mr. D. N. Goburdhun, Advocate has filed vakalatnama/ appearance on behalf of Respondent No. 2.

It is further submitted that Criminal Appeal No. 1750 of 2008 is still pending before this Hon'ble Court.

Service of show cause notice is complete.

The matter above-mentioned is listed before the Hon'ble Court with this Office Report.

DATED this the 31st day of January, 2014.

ASSISTANT REGISTRAR

Copy to:-

Mr. T. Mahipal, Advocate

Mr. D. N. Goburdhun, Advocate

ASSISTANT REGISTRAR

C3/km