

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CRL.) NO. 175 OF 2009

WITH

CRIMINAL MISCELLANEOUS PETITION NO. 20395 OF 2008

(Application for condonation of delay in filing Special Leave Petition)

State of U.P. ... Petitioner(s)

VERSUS

Brijpal & Ors. ... Respondent(s)

OFFICE REPORT

The matter above mentioned was listed before the Hon'ble Court on 5th January, 2009 when the Court was pleased to pass the following order:

"Issue notice on the application for condonation of delay as also on the Special Leave Petition."

Accordingly Show Cause Notice was issued to all the three Respondents through courier on 20th January, 2009. Proof of delivery has been received from Respondent No.2 but nothing was received from Respondent Nos. 1 & 3 and matter was listed before the Court of Registrar from time to time and on 14th February, 2011 when the following order was passed :

**"The ld. Counsel for the petitioner is present.
Nobody for the respondent.**

Service is complete as against respondent No.2 but nobody has entered appearance on his behalf.

Fresh steps for confirming service of the unserved respondent nos. 1 and 3 shall be taken by the ld. Counsel for the petitioner through registered post within a period of one week.

List again on 31.3.2011."

Counsel for the Petitioner failed to take steps in respect of unserved Respondent Nos. 1 & 3 and matter was listed before the Court of Registrar on 31st March, 2011 when the following order was passed :

"The ld. Counsel for the petitioner is present.

Service is complete as against the respondent No.2 but nobody has entered appearance on his behalf.

Vide order dated 14.2.2011 the ld. Counsel for the

petitioner was directed to take fresh steps for confirming service of the unserved respondent Nos. 1 and 3 within a :2:

weeks' time but he has not taken any steps in that direction so far. He seeks two weeks' further time to comply with the terms of the order dated 14.2.2011. Time as prayed for is granted to him as last chance subject, however, to a payment of costs to the tune of Rs.500/-.
List again on 4.7.2011."

Counsel for the Petitioner has on 14th June, 2011 filed Affidavit of service alongwith proof stating therein that notice has been served to all the Respondents but Counsel has not deposited the payment of cost of Rs.500/- and matter was lastly listed before the Court of Registrar on 4th July, 2011 when the following order was passed :

"Petitioner wants to deposit the cost today itself, office has to accept it, in that case list the matter before the Hon'ble Court as per Rules.

If petitioner failed to deposit the amount on or before 5th July, 2011 then list the matter before Hon'ble Judge in Chamber for non-prosecution.

Learned counsel Mr. Vikram Patralekh wants to file appearance for some of the respondents, they are permitted to do so."

Counsel for the Petitioner has deposited the cost of Rs.500/- on 5th July, 2011.

Mr. Braj K. Mishra, Advocate has on 4th July, 2011 filed Vakalatnama/Appearance on behalf of Respondent Nos. 1 & 2.

Service of Show Cause Notice is complete.

The matter is listed before the Hon'ble Court with this office report.

DATED this the 2nd day of August, 2013.

ASSISTANT REGISTRAR

COPY TO:

1. Mr. Anuvrat Sharma, Advocate
2. Mr. Braj K. Mishra, Advocate

ASSISTANT REGISTRAR

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