

SECTION-IIB

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 2339 OF 2010

WITH

CRIMINAL MISCELLANEOUS PETITION NO. 16173 OF 2016

(application for seeking permission to bring on record additional facts and documents)

NAJABHAI DESURBHAI WAGH

...APPELLANT

VERSUS

VALERABHAI DEGANBHAI VAGH & ORS.

...RESPONDENT(S)

OFFICE REPORT

The instant appeal is by way of Special Leave Petition granted vide court's order dated 23.11.2010.

It is submitted that there are 15 respondents. Respondent Nos.1-9, 11-14 are represented through Mr. Anirudh Sharma, Advocate. Respondent No.15 is represented through Ms Hemantika Wahi, Advocate. Respondent No.10 has been served with Notice of Lodgment Petition of appeal but he has not chosen to enter appearance till date.

It is submitted that High Court vide its letter dated 12.5.2016 has forwarded a letter dated 13.4.2016 of the Session Judge, Amreli (alongwith letter dated 24.4.2016 of jail superintendent) wherein a request has been made to return the original record of trial court in Session Case No.84 of 1998 as the same is required, for giving opinion regarding remission of the accused by the Session Judge Amreli. (copies of the letters dated 12.5.2016 and 13.4.2016 and 24.4.2016 are included in the appeal paper books)

It is submitted that High Court vide its letter dated 17.6.2016 has forwarded a letter dated 16.5.2016 of District and Session Judge.(copy of the letter is enclosed herewith for perusal of the Hon'ble Court.

It is submitted that the office report for direction in above mentioned matter was listed before Hon'ble Court on 18.5.2016, when the court was pleased to pass the following order:

"Let the matter be listed after summer vacation before the Regular Bench as per the roster."

It is further submitted that Mr. Mohit D. Ram Advocate for the appellant has on 28.09.2016 filed application for seeking permission to bring on record additional facts and documents and the same has been registered as Criminal Miscellaneous Petition No. 16173 of 2016. Copy of the same is place below with Appeal Paper Books for the kind perusal of the Hon'ble Court.

It is further submitted that Original Records of the High Court and the Trial Court have been received and same are available in the Court Room for the reference of the Hon'ble Court.

The matter was mentioned before Hon'ble Court on 24.11.2016, when the court was pleased to pass the following order:

"Learned counsel for the respondent (s) prays for time to file additional documents.

As a last chance, list after four weeks."

It is further submitted that Mr. Anirudh Sharma Advocate for the Respondents Nos. 1-9, 11-14 has not filed additional documents so far.

The matter alongwith application is listed before the Hon'ble Court for direction.

DATED this the 9th day of January, 2017.

ASSISTANT REGISTRAR

COPY TO:

1. Mr. Mohit D. Ram, Advocate
2. Ms. Hemantika Wahni, Advocate
3. Mr. Anirudh Sharma, Advocate

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ASSISTANT REGISTRAR