

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

BEFORE THE REGISTRAR S.G. SHAH

Petition(s) for Special Leave to Appeal (CrI) No(s).5450/2007

NAND KUMAR

Petitioner(s)

VERSUS

STATE OF CHHATTISGARH

Respondent(s)

(With office report)

WITH SLP(CrI) NO. 3247 of 2008

(With office report)

SLP(CrI) NO. 5468 of 2007

(With office report)

SLP(CrI) NO. 6125 of 2007

(With office report)

SLP(CrI) NO. 6199 of 2007

(With office report)

SLP(CrI) NO. 6790 of 2007

(With office report)

SLP(CrI) NO. 7302-7304 of 2011

(With office report)

SLP(CrI) NO. 7310-7311 of 2011

(With office report)

Date: 16/03/2012 This Petition was called on for hearing today.

For Petitioner(s)

Mr. Anoop Kr. Srivastava, Adv.

Mr. Binay Kr. Das, Adv.

Mr. Dharam Bir Raj Vohra, Adv.

Mr. Yash Pal Dhingra, Adv.

For Respondent(s)

Mr. Atul Jha, Adv.

Mr. Dharmendra Kumar Sinha, Adv.

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

Though there is no proof of compliance of order

dated 23.1.2012, the learned Advocate, Mr. Atul Jha, appearing

Item No.83

-2-

on behalf of Mr. D.K. Sinha, Advocate-on-record confirms that

they have received the copy of the pleadings and seeks time to

file counter affidavit. Relying upon such statement initially

time was granted upto 18.4.2012. However, on examining the

explanation dated 14.3.2012 of the Registry sought for by an

order dated 13.3.2012, it has been found that there is neither

compliance of order dated 23.1.2012 nor the appearance note or

vakalatnama on behalf of the learned Advocate-on-Record, Mr.

D.K. Sinha, though they are appearing before the Hon'ble Court

since 3.1.2011 (please refer letter dated 19.8.2011 by the learned Advocate-on-Record, Mr. D.K. Sinha, Advocate-on-Record and Record of Proceedings dated 3.1.2011.

It is unfortunate that explanation of the Registry is also not proper inasmuch as though there is a specific order on 29.2.2012 that in case of non-compliance of order dated 23.1.2012, the matter shall be listed before the Hon'ble Judge in Chambers for non-prosecution. When such order was not complied with till 13.3.2012 how and why DEU - II has conveyed on 2.3.2012 to the Section for listing this matter on 13.3.2012 on their own, i.e., without consulting the Section and without confirming that whether previous orders were complied with or not.

Item No.83

-3-

Such endorsement by the DEU - II is on 2.3.2012 i.e., well in advance of the time granted to the petitioner to comply with the earlier order, in any case, the matter was not ripe for listing before any Court before 13.3.2012. Even today, petitioner has not complied with the earlier order and the respondent has yet not filed their appearance.

The fact remains that for the last one year, the learned Advocate-on-Record, Mr. D.K. Sinha has failed to file appearance note or vakalatnama though they are repeatedly appearing before the Court on different dates. Registry is also unnecessarily listing the case without following the directions in the previous order. It cannot be ignored that repeated listing cost everyone.

This fact be placed before the concerned Ld.Registrar (Judl.) for taking necessary steps.

If appearance note, vakalatnama and counter affidavit is not filed before 18.4.2012, the matter shall be listed before the Hon'ble Judge in Chambers for appropriate orders to change the Amicus Curiae.

(S.G. SHAH)

rd