SECTION II

MATTER FOR : 26.10.20
CHAMBER : 9
ITEM NO. : 11

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL(CRIMINAL) Diary. NO. 45739 OF 2019
with
IA No. 40673 of 2020 and IA 97202/2020
(Application for impleadment and exemption from filing official translation

MAHENDRA SINGH & ORS. ...Petitioner(s)

VERSUS

STATE OF RAJASTHAN ...Respondent

OFFICE REPORT FOR DIRECTIONS

The matter above-mentioned was listed before the Hon'ble Judge-in-chamber on 16.9.2020 with revised office report dated 15.9.2020, when the following Order was passed:

> **" The counsel for the petitioners is granted four more weeks' time to cure the defects in the Surrender Certificate."**

It is submitted that pursuant to the order quoted above, counsel for the petitioner has on 25.9.2020 e-filed an application for exemption from filing official translation (IA 97202/2020) of the surrender certificate filed on14.9.2020. He has also e-filed a letter dated 25.9.2020 in view of the above said order. The said application and letter is enclsoed with this office report for kind perusal of the Hon'ble Court.

The office-report in the matter above-mentioned is listed before the Hon'ble Judge-in-chamber for directions.

DATED THIS THE 15th DAY OF October, 2020.

ASSISTANT REGISTRAR

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRL.M.P. No. 9720 of 2020
IN
SLP (Crl.) No.D. No.45739 of 2019

IN THE MATTER OF:-
MAHENDRA SINGH & OTHERS ... PETITIONERS
VERSUS
STATE OF RAJASTHAN ... RESPONDENT

APPLICATION U/O. V, R. 25 (1) S.C.R. FOR EXEMPTION FROM FILING OFFICIAL TRANSLATION

To,

Hon'blethe Chief Justice of India and his companion Judges of the Supreme Court of India.

Humble petition on behalf of the Petitioner above-named:

Most Respectfully Showeth THAT:-

1. By the present application, the petitioners are seeking exemption from filing official translation of surrender certificate filed in the captioned SLP on 14.09.2020. Averments made in the captioned SLP may be read as part and parcel of this application and the same is not repeated here for the sake of brevity.
2. Official translation of aforesaid surrender certificate could not be done due tothe pandemic COVID-19 situation and was translated by Counsel for Petitioner in the languageprescribed under Article 348 of Constitution of India and is stated to be correct.

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PRAYER

It is most respectfully prayed that this Hon'ble Court may graciously be pleased to:-

(a) Exempt the petitioners from filing the official translation of surrender certificate and accept the translated copy of the same as submitted by the petitioner, And / Or

(b) Pass such other and further orders as this Hon'ble court may deem fit and proper in the facts and circumstances of the case and in the interest of justice.

AND FOR THIS ACT OF KINDNESS THE PETITIONERS AS DUTY BOUND SHALL EVER PRAY.

Drawn on: 22.09.2020

Filed on: 25.09.2020

Drawn and Filed by

Praveen Agrawal

Advocate for the Petitioner

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
SLP (Crl.) No.D. No.45739 of 2019

IN THE MATTER OF:-
MAHENDRA SINGH & OTHERS ... PETITIONERS
VERSUS
STATE OF RAJASTHAN ... RESPONDENT

AFFIDAVIT

I, Kishore Singh S/o Shri Saitan Singh aged about 55 years R/o Village - Puriyan, Police Station Bisau, District Jhunjhunu, Rajasthan do hereby solemnly affirm and declare as under:-

1) That I am Father of one of the Petitioners in the above mentioned petition and Pairokar for all the petitioners and being well conversant with the facts and circumstance of the case I am competent to swear this affidavit.

2) That the contents of accompanying application / Petition filed in the captioned SLP are true and correct to my knowledge and nothing material has been concealed therefrom and no part of it is false.

DEPONENT

Verification:

Verified at Jhunjhunu on this 22 day of September 2020 that the content of the above affidavit is true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

DEPONENT

SWORN AND SIGN BEFORE ME

NOTARY P.C. BASWAL JHUNJHUNU Regd. No. 3257 Exp. Date Dec. 05 2020 GOVT. OF INDIA

ATTESTED
PHOOL CHAND SARWAR
NOTARY PUBLIC JHUNJHUNU
(RAJASTHAN) INDIA

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PRAVEEN AGRAWAL
Advocate-on-Record
Supreme Court of India

Dated: 25.09.2020

To,
The Registrar,
Supreme Court of India,
New Delhi

Sub: Regarding Defects in SLP (Crl.) D. No.45739 of 2019.

Sir,

1. Vide this Court's order dated 05.03.2020 the petitioners are directed to file proof of surrender certificate in captioned SLP. On 17.03.2020 the surrender certificate of the petitioners was filed that was found defective by the registry.

2. Fresh surrender certificate of the petitioners issued from Jailor, District Jail Jhunjhunu on 11.09.2020 and same was filed before this Court on 14.09.2020.The matter was listed before the Ld. Chamber Judge on 16.09.2020. Registry made its office report that the Counsel for petitioner has not filed the custody certificate from the Central Jail Bikaner. It is submitted that there was only requirement of proof of surrender of petitioners by this Court's order dated 05.03.2020 and same was fulfilled and Custody Certificate from the Central Jail Bikaner is not required as the petitioners transferred to that jail after surrendering.

3. For the reasons stated above non-filing of Custody Certificate from the Central Jail Bikaner may kindly be ignored.

Thanking You.

Yours Sincerely'

Praveen Agrawal
Advocate for Petitioner

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