

Listed on : 03.10.2024

R. Court No. : 1

Item No. : 25

SECTION-IIB
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL(CRL.) NO. 4205 OF 2023

WITH

I.A. NO. 194705 OF 2024

(Application for substituted service by way of publication)

ABC

... Petitioner(s)

VERSUS

THE STATE OF UTTARAKHAND & ANR.

... Respondent(s)

OFFICE REPORT

The matter above mentioned was listed before the Court of Learned Registrar on 14.08.2024, when the following order was passed -

“Respondent No.1 has filed counter affidavit.

Ld. Counsel for the petitioner is granted two weeks’ time, as last opportunity, to take fresh steps and file fresh particulars in respect of the unserved respondent No.2. It has been requested by Ld. Counsel for the petitioner that in addition, service be permitted to be effected upon respondent No.2 through paper publication. Appropriate application in this behalf be filed within one week.

List again on 03.10.2024.”

It is submitted that counsel for the petitioner has e-filed an application for substituted service by way of publication in Newspaper namely “Punjab Kesari” (Hindi) and “Dehradun Times” (English). Copy of the same is enclosed herewith.

Service of show cause notice is complete in respect of Respondent No.1 as represented by Mr. Manan Verma, Advocate. He has also filed counter affidavit on behalf of Respondent No.1/State.

Service is not complete in respect of Respondent No. 2.

The matter alongwith application above mentioned is listed before the Court of Ld. Registrar with this Office Report.

DATED this the 01st day of October, 2024.

BRANCH OFFICER

Copy to -

1. Mr. Abhay Pratap Singh, Advocate
2. Mr. Manan Verma, Advocate

BRANCH OFFICER

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRL. M.P. NO. _____ OF 2024

IN

SPECIAL LEAVE PETITION (CRL.) NO. 4205 OF 2023

IN THE MATTER OF:

ABC

... PETITIONER

VERSUS

STATE OF UTTARAKHAND & ANR.

...RESPONDENTS

CRL. M.P. NO. _____ OF 2024

Application for substituted service by way of
publication along with supporting affidavit

(FOR INDEX KINDLY SEE INSIDE)

ADVOCATE FOR THE PETITIONER: ABHAY PRATAP SINGH

(AOR CODE: 3071)

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRL. M.P No. OF 2024

IN

SPECIAL LEAVE PETITION (CRL.) NO. 4205 OF 2023

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FILED BY:



ABHAY PRATAP SINGH
ADVOCATE-ON-RECORD
FOR THE PETITIONER

B-40, GF, SOAMI NAGAR, PANCHSHEEL ENCLAVE - 17

EMAIL: ABHAY@GNSLEGAL.IN

AOR CODE: 3071

DATE: 29.08.2024

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRL. M.P No. OF 2024

IN

SPECIAL LEAVE PETITION (CRL.) NO. 4205 OF 2023

IN THE MATTER OF: -

ABC.

...PETITIONER

VERSUS

STATE OF UTTRAKHAND & ANR.

...RESPONDENTS

**APPLICATION FOR SUBSTITUTION OF SERVICE BY WAY OF
PUBLICATION ON UNSERVED RESPONDENT NO. 2.**

TO,

THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS
COMPANION JUSTICES OF THE SUPREME COURT,
NEW DELHI

THE HUMBLE PETITION OF THE
PETITIONER ABOVE-NAMED

MOST RESPECTFULLY SHOWETH:-

1. The Petitioner has filed the above-mentioned Special Leave Petition seeking special leave to appeal against the Impugned Final Order dated 29.11.2022 of the Hon'ble High Court of Uttarakhand at Nainital in CRM No. 400 of 2019 in CRLA No. 75 of 2019, whereby, the Hon'ble High Court has granted bail to the Accused/ Respondent no. 2. This Hon'ble Court, vide it's order dated 27.03.2023, was pleased to grant the Petitioner the permission to file the Special Leave Petition and issued notice to the Respondents.

2. The detailed facts leading to the filing of the Special Leave Petition have been disclosed in complete detail in aforementioned Special Leave Petition and the same are not being repeated herein for the sake of brevity and to avoid prolixity. The averments, submissions and contentions raised in the Special Leave Petition may be read as part and parcel of the present application as well.
3. This Hon'ble Court while hearing the Special Leave Petition, vide its order dated 14.08.2024, gave the Petitioner liberty to take appropriate steps in respect of the Accused/Respondent no. 2 who is still unserved.
4. It is submitted that the notice to Respondent No. 2 could not be served. The registered postal packet containing the notices have been received back as they could not be served upon the said Respondent. Further, this Hon'ble Court vide its order dated 31.07.2024 had ordered that the Accused/Respondent no. 2 be served through the District Court, However, the service could not be completed and the Respondent No. 2 still remains unserved. The Petitioner further submits that they had made all possible attempts to serve the said Respondent in the ordinary course of process.
5. In view of the above submissions, it is submitted that this Hon'ble Court may be pleased to permit the Petitioner to effect service on Respondent No. 2 by substituted service. The petitioner undertakes to publish the notice in the Hindi daily News Paper "Punjab Kesari" and in the English News Paper "Dehradun times" which have good circulation in the area where the Respondent No. 2 resides.

P R A Y E R

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

- i) Direct the publication of notice on the un-served Respondent no. 2 by substituted service through Hindi Daily News Paper "Punjab Kesari" and in the English Daily News Paper "Dehradun Times".
- ii) Pass any other or such further order as may be deemed fit in the facts of the present case.

FILED BY:



ABHAY PRATAP SINGH
ADVOCATE-ON-RECORD
FOR THE PETITIONER

B-40, GF, SOAMI NAGAR, PANCHSHEEL ENCLAVE - 17

EMAIL: ABHAY@GNSLEGAL.IN

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**IN THE SUPREME COURT OF INDIA
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CRL. M.P No. OF 2024

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SPECIAL LEAVE PETITION (CRL.) NO. 4205 OF 2023

IN THE MATTER OF: -

ABC

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...RESPONDENTS

AFFIDAVIT

I, _____, d/o _____, R/o _____ aged
about ___ years, presently at _____ do hereby solemnly affirm as
under:

1. I am the Petitioner in the present case. I am well aware of the facts and circumstances of the case and, as such, competent to depose by way of the present affidavit.
2. That the accompanying Application has been drafted by my counsel under my instructions, the contents whereof are true and correct to the best of my knowledge and fully understood by me.
3. That the contents of para 1 to 5 of the present Application are drafted by my counsel and based on the legal advice received and believed to be true.

DEPONENT

VERIFICATION

Verified at New Delhi on the day of August, 2024 that the contents of my
above affidavit are 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