

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

PETITION FOR SPECIAL LEAVE TO APPEAL (CRL.) NO. 10036 OF 2022
WITH
PRAYER FOR INTERIM RELIEF
AND
PETITION FOR SPECIAL LEAVE TO APPEAL (CRL.) DIARY NO. 35376 OF 2022
WITH
Interlocutory Application Nos. 177435,177436 and 177452 of 2022.5SLP
(Applications for permission to file SLP, exemption from filing certified copy of the impugned order and impleadment)

NATIONAL COMMISSION FOR PROTECTION
OF CHILD RIGHTS(NCPCR) ... PETITIONER

VERSUS

GULAM DEEN AND ORS. ETC. ... RESPONDENT(S)

OFFICE REPORT
SLP(CRL.) NO. 10036 OF 2022:

The matter above mentioned alongwith connected matters were listed before the Hon'ble Court on 13.01.2023, when the Hon'ble Court was pleased to pass the following order:

- “SLP(Crl.) No. 10036 /2022**
- 1 Applications for intervention stand allowed.**
 - 2 The Special Leave Petition is de-tagged from this batch of petitions.”**

It is submitted that in view of Hon'ble Court order quoted above cause title has been amended. Copy of amended cause title is included in SLP paper books for kind perusal of the Hon'ble Court.

It is further submitted that instant matter is fresh matter and in view of order quoted above instant matter has been de-tagged from Transfer Petition(Civil) Nos. 1249-1250 of 2020.

SLP(CRL.) Diary NO. 35376 OF 2022:

The matter above mentioned was listed before the Hon'ble Court on 13.01.2023 when the Hon'ble Court was pleased to pass the following order:

- “1 We are inclined to entertain the Special Leave Petition which has been instituted by the National Commission for Protection of Child Rights (NCPCR)with a view to resolving the question of law which is raised.**
- 2 Issue notice.**
- 3 Mr Rajshekhar Rao, senior counsel, who has been appointed as Amicus Curiae in SLP (Crl) No**

10036 of 2022 raising a similar issue, is requested to assist the Court in the present case as well.

4 Tag with SLP (Crl) No 10036 of 2022.

5 SLP (Crl) No 10036 of 2022 is de-tagged from Item No 31 [TP (C) Nos 1249-1250 of 2020].

6 Pending further orders, the impugned judgment of the High Court dated 30 September 2022, shall not be relied on as a precedent in any other case.

7 List the Special Leave Petitions on 6 February 2023.

Diary No 1156/2023, Diary No 1205/2023 and Diary No 1208/2023

1 On mentioning, these matters are taken on Board.

2 Tag with SLP (Crl) Diary No 35376/2022.“

Accordingly, Show Cause Notice was issued to all seven respondents through Regd. A.D.post. Copy of notice was also issued to Dr. Monika Gusain, Advocate.

It is submitted that as per postal track report(copy enclosed) notices have been delivered to respondent nos. 1,2,4 and 5 but no one has entered appearance on behalf of them so far and notice has not been delivered to respondent no. 3 so far. Unserved envelope containing notices have been received back from respondent nos. 6 and 7 with postal remarks that “insufficient address.“

Service of notice is not complete in respect of respondent nos. 3,6 and 7.

It is further submitted that counsel for the petitioner has on 24.01.2023 filed proof of serving copy of SLP on Dr. Monika Gusain, Advocate .

It is further submitted that in view of order quoted above SLP(Crl.) Diary No. 35376 of 2022 has been tagged alongwith SLP(Crl.) No. 10036 of 2022 and listed together.

It is further submitted that copy of SLP was also issued to Mr. Rajshekhar Rao, Senior Advocate(Amicus Curiae) by this Registry’s e-mail.

It is lastly submitted that Diary Nos. 1156/2023,1205/2023 and 1208/2023 are fresh matters and copy of the Record of Proceedings dated 13.01.2023 passed in SLP(Crl.) Diary no. 35376 of 2022 was send to Section IB and Section IB Extension on 19.1.2023 by email and physically mode also for taking further necessary action. As per data these fresh diary matters above mentioned are not tagged alongwith SLP(Crl.) Diary No. 35376 of 2022 by Section IB so far.

The matters alongwith applications above mentioned is listed before the Hon’ble Court with this office report.

DATED this the 03rd day of February, 2023.

ASSISTANT REGISTRAR

COPY TO:

- 1) Mrs. Swarupama Chaturvedi, Advocate
- 2) Mr. Rajshekhar Rao, Senior Advocate (Amicus Curiae)
- 3) Mr. Fauzia Shakil, Advocate(Intervenor)
- 4) Mr. Gaurav Agrawal, Advocate(Intervenor)

ASSISTANT REGISTRAR