

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

CRIMINAL MISCELLANEOUS PETITION NO. 9073 OF 2016

(Application for Correction/Modification)

IN

PETITION FOR SPECIAL LEAVE TO APPEAL(CRL.) NO. 6231 OF 2012

KOTESWAR S MURALIDHAR

...PETITIONER

VERSUS

STATE OF KARNATAKA AND ANR.

...RESPONDENTS

OFFICE REPORT

The Special Leave Petition above mentioned was mentioned before the Hon'ble Court on 07.11.2014, when the Hon'ble Court was pleased to pass the following order:

"Taken on board.

Upon being mentioned by the learned senior counsel appearing for the petitioner, the order dated 17.10.2014 be read as follows (with the underlined modifications) :-

"There are two Special Leave Petitions, one by the wife and another by the husband.

Today, the wife - Smt. Prajna Ammembala and the husband - Dr. Koteswar Muralidhar, along with their son Sankalp, are present in the Court.

It has been submitted by the learned counsel appearing for the parties that the parties to the litigation have settled their dispute in the following terms :

1. Both the parties shall not pursue the criminal proceedings initiated against each other.

2. The parties shall do the needful to see that the pending divorce proceedings are converted into the divorce by consent, as soon as possible and preferably within a week from today.

3. Custody of Master Sankalp shall be with the mother, however, the father will have a right to visit him as provided in Clause 10(iii) of the Joint Affidavit reporting settlement.

4. At the time of his visit, the father shall be permitted to have the company of his son either at the residence of Smt. Prajna Ammembala or at any place, suitable to her.

If Smt. Prajna Ammembala and Dr. Koteswar Muralidhar have any problem regarding the visiting rights, it would be open to them to approach this Court by way of an appropriate application.

Mr. Subramaniam Prasad, learned counsel, appearing for Respondent No.5, Mr. Gururaj Hathwar, has assured this Court that O.S.No.152 of 2013 pending before the Sessions Judge, Bellary, pertaining to defamation, shall be withdrawn within a fortnight from today.

Though Prajna Ammembala shall have the custody of the child, both Prajna Ammembala and Koteswara S. Murlidhar will have joint parenting rights in so far as the education of the child is concerned. Koteswara S. Murlidhar has undertaken to voluntarily contribute such sums as he may deem appropriate to facilitate the education of the child.(As mentioned in Para 10(iv) of the joint affidavit)

5. The parties to the litigation have also agreed that there shall not be any monetary claim of any type against each other or by other parties or by any other relatives.

In view of the above settlement among the parties, a separate agreement regarding the above shall be placed on record.

The Special Leave Petitions are disposed of accordingly."

The order stands modified as above. "

It is submitted that Mr. Shailesh Madiyal, Advocate has on 05.05.2016 filed an application for Correction/Modification but in the affidavit filed in support of application Transfer Petition (Civil) has been mentioned instead of Criminal Miscellaneous Petition and in this regard counsel has given a letter on 11.05.2016 (Copy enclosed). Counsel has also not served the copy of application on Mr. Gurudatta Ankolekar, Advocate for Respondent No. 2. The application has been registered as Criminal Miscellaneous Petition NO. 9073 of 2016. Copy of same is placed for perusal of the Hon'ble Court.

It is further submitted that Mr. Shailesh Madiyal, Advocate

has filed vakalatnama/appearance on behalf of petitioner as the erstwhile advocate for the petitioner Mr. B. Subrahmanya Prasad has passed away.

It is further submitted that original Special Leave Petition paper books have been weeded out after due preservation as per rules. Counsel for the Petitioner has provided copy of Special Leave Petition paper books.

It is lastly submitted that the matter above mentioned was mentioned before the Hon'ble Court on 11.05.2016, when the Hon'ble Court was pleased to pass the following order:

"List the application on 13.05.2016."

The application in the matter above mentioned is, therefore, listed before Hon'ble Court with this office report.

Dated this the 12th day of May, 2016.

ASSISTANT REGISTRAR

COPY TO:

Mr. Shailesh Madiyal, Advocate

Ms. Anitha Shenoy, Advocate

ASSISTANT REGISTRAR

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