

IN THE SUPREME COURT OF INDIA  
INHERENT JURISDICTION

CURATIVE PETITION (CRL) Diary No.3106/2021  
IN  
REVIEW PETITION (CRL.) NO. 268 OF 2020  
IN  
PETITION FOR SPECIAL LEAVE TO APPEAL (CRL.) NO. 9884 OF 2019

RAJESH JHA

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH

Respondent(s)

ORDER

Office report dated 17.08.2021 records that the curative petition has been received from the convict Rajesh Jha through the Jail Superintendent, District Jail, Dasna, Ghaziabad, Uttar Pradesh against the order dated 16.07.2020, dismissing Review Petition (Cr1.) No. 268 of 2020 filed by him against the order dated 25.10.2019 passed in Special Leave Petition No. 9884/2019.

On scrutinizing the curative petition, it was found that the same was not accompanied by the requisite mandatory certificate of Senior Advocate, as per the requirements laid down in the case of "Rupa Ashok Hurra vs. Ashok Hurra & Anr." (2002) 4 SCC 388.

Instead of filing the requisite certificate from a Senior Advocate, the petitioner has filed an application for exemption from filing the said certificate as IA No. 16266/2021. He has also filed an application for grant of bail till the adjudication of the curative petition, registered as I.A. No. 81215 of 2021.

Being a jail petition in the form of curative, the matter was

referred to the Supreme Court Legal Services Committee (SCLSC). The Supreme Court legal Services Committee has forwarded a cover letter dated 16.08.2021 along with a letter dated 11.08.2021 addressed by Mr. Suryanarayana Singh, Senior Advocate stating *inter alia* that there is no ground available for filing a curative petition.

Order XLVIII Rule 2(2) of the Supreme Court Rules, 2013 makes it mandatory to file a certificate from a Senior Advocate, certifying *inter alia* that the case is covered in terms of the guidelines laid down in the case of "Rupa Ashok Hurra" (supra).

Since the information received from the Senior Advocate states that no ground is available for entertaining a curative petition, the unregistered Curative Petition is dismissed along with all the pending applications.

.....J  
(HIMA KOHLI)

New Delhi  
Date: 04.10.2021.

ITEM NO.65 Court 2 (Video Conferencing) SECTION II

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

CURATIVE PETITION(CRL) Diary No.3106/2021

RAJESH JHA

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH

Respondent(s)

(IA No. 16266/2021 - APPLICATION FOR EXEMPTION FROM FILING ORIGINAL  
VAKALATNAMA/OTHER DOCUMENT  
IA No. 81215/2021 - GRANT OF BAIL)

Date : 04-10-2021 This matter was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI  
[IN CHAMBER]

For Petitioner(s) Jail Petition, AOR

For Respondent(s)

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

The Curative Petition is dismissed in terms of the signed  
order.

Pending application(s), if any, shall stand disposed of.

(INDU MARWAH)  
COURT MASTER

(ANITA RANI AHUJA)  
ASSISTANT REGISTRAR

(Signed order is placed on the file)