

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28535 of 2013

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Md. Shajad

.... Petitioner/s

Versus

The State of Bihar & Anr.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

HONOURABLE MR. JUSTICE AMARESH KUMAR LAL

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE V.N. SINHA)

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6 26-08-2015

Earlier Criminal Appeal (DB) No. 829 of 2012

was dismissed under order dated 18.12.2012 for non-prosecution as the counsel for the appellant did not choose to appear on 04.12.2012, 18.12.2012. By filing the restoration petition prayer is to restore the said appeal, as according to learned counsel he was prevented by sufficient cause in not prosecuting the said appeal on both the aforesaid dates i.e. 04.12.2012, 18.12.2012.

We are satisfied that the appellant was prevented by sufficient cause in not pursuing the appeal on the aforesaid two dates. Accordingly, Criminal Appeal (DB) No. 829 of 2012 is restored to its original file, number and taken up for admission.

While hearing the case for admission, we required to peruse the lower court records which were called for under order dated 23.08.2012, passed in Criminal Appeal (DB) No. 829

of 2012. High Court file of the said appeal is available with the restoration petition, but the lower court records have not been made available for our perusal, which prevented us to proceed with the hearing of the appeal. Accordingly, we direct the officer concerned in the Criminal Department of the Registry to show cause as to why he be not proceeded against for not letting us to proceed with the disposal of the appeal.

Put up Cr. Appeal (DB) No. 829 of 2012 under the heading “For Admission” tomorrow in Court in the forenoon session. The officer must submit show cause when we proceed to hear this appeal tomorrow.

(V.N. Sinha, J)

(Amaresh Kumar Lal, J)

Rajesh/-

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