

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.78 of 1980

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Mohammad Raja & Ors

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Md. Kazim Sher
Mr. A.N.Dwivedi

Mr. Ganesh Chandra Thakur

For the Respondent/s : Mr. S. Raza Ahmad, AAG-5
Md. Shahid Siddique, Ac to AAG-5

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 06-10-2018

Learned counsel appearing on behalf of the

respondent-State submits that the file of this appeal is not available.

No one appears on behalf of the appellants, under the aforesaid circumstances, the Court is helpless.

It is to be noted that during the process of digitalization and data transfer this appeal was shown pending but during physical verification, it transpired that there the record of this appeal is not available.

During the last several years, there is the process of continuous physical verification, the registry noticed that after digitalization the cases shown as pending were in fact disposed of, but the record of this appeal has not been traced out as yet.



Having regard to the trend of the cases shown as pending in the digitalization format and in physical verification, the Court has reason to believe that the case has been disposed of one way or the other, but there is no document to conclusively record the finding in this regard.

Since no record is available with the Court and the counsel for the parties are also not sanguine about the pendency of the appeal and records are also not available with them, the Court at present proceeds that the digitalization entry showing the case as pending, appears to be erroneous. This appeal shall be deemed to have been disposed of.

In case, the parties finds that the case is pending they are required to file one page affidavit about the pendency of the appeal to file such affidavit the registration is required to revive first appeal. On filing of such affidavit, the Registry is required to revive the appeal and place the same before the appropriate Bench for hearing.

On filing of such affidavit on behalf of appellants or the respondent for revival of the appeal, the parties are required to file Memo of appeal and copy of the judgment of the Lower Court along with affidavit before the Registrar for reconstruction of the record of this appeal so that after reconstruction of the appeal the



same may be placed for hearing for before the appropriate Bench
in the 2nd week of January, 2019.

(Anil Kumar Upadhyay, J)

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