

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

Petition(s) for Special Leave to Appeal(Civil)... CC 5464/2003
(From the judgment and order dated 28/08/2002 in SA 309/97
of The HIGH COURT OF PATNA)

STATE OF BIHAR & ANR.

Petitioner (s)

VERSUS

UPENDRA NATH PATHAK
(With I.A. 1 Appln(s). for c/delay in filing SLP)

Respondent (s)

Date : 11/07/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Petitioner (s)Mr. Saket Singh, Adv.
Mr. B.B. Singh,Adv.

For Respondent (s)

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

Four weeks' time is allowed for filing additional documents viz. judgments rendered by the trial court as well as appellate court, apart from memorandum of appeal filed in the High Court. A petition for condonation of delay of 147 days in filing this petition has been filed, relevant portion of paragraph 2 whereof reads thus :

" That the Hon'ble High court passed an order on 28.2.2002 and thereafter fax was sent to Collector, Aurangabad by Additional Advocate General for filing appeal which was received on 30.8.2002."

From the above it appears that fax message was received by the concerned District Magistrate from the office of Learned Additional Advocate General six months' after the disposal of appeal by the High Court. It is curious to note how fax message could take six months' time in transmission. As such there must be something wrong somewhere in its dispatch. Let the learned Advocate General for Bihar make an indepth enquiry personally in this regard and report to this court within two months as to who is the person responsible for the same and after fixing responsibility action, if any, taken against him or proposed to be taken. Put up after two months along with the report.

Charanjit

[Shelly Sen Gupta]

Court Master