

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.1039 of 2015**

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Upendra Nath Singh Son of Late Sahdeo Singh, resident of Village -  
Kaithi, P.S.- Obra, District - Aurangabad.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Lakshmi Kant Sharma, Adv.

For the Opposite Party/s : Mr. Ahmad Ali, APP

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**CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL**  
**ORAL ORDER**

2      29-01-2015      This application has been filed for restoration Cr. Misc.  
  
No. 33421 of 2010 to its original file which was dismissed for  
non-prosecution vide order dated 20.6.2014.

Learned counsel for the petitioner submits that the case  
could not be marked in daily cause-list, as such no one could  
appear in this case which resulted into dismissal of the case in  
default.

Learned counsel for the State submits that earlier also  
the petitioner had been negligent and the case was dismissed for  
default three times and it is the fourth time. The petitioner wants to  
linger the case.

It appears that the statement of learned counsel for the  
State is correct. This case was listed on 19.6.2014 and no one had  
appeared and the case was passed over again on 26.6.2014 no one

had appeared and the case was dismissed for default. It appears that the petitioner has been negligent in prosecuting the case.

However, in the interest of justice Cr. Misc. No. 33421 of 2010 is restored to its original file subject to payment of Rs.1000/- in favour of Patna High Court Legal Services Committee and file a receipt thereof within two weeks.

**(Amaresh Kumar Lal, J)**

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