

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP 798 of 2015**

Suraj Sharma S/o Vinod Sharma, aged about 24 years, R/o Luchkipara,
Durg, Police Station Durg, Tahsil & District Durg (CG)

---- Petitioner

Versus

The State of Chhattisgarh Through Station House Officer, Police
Station Durg, District Durg (CG)

---- Respondent

For Petitioner	:	Shri A.C. Sahu, Advocate
For Respondent	:	Shri Roshan Dubey, PL

HON'BLE SHRI JUSTICE CHANDRA BHUSHAN BAJPAI**ORDER****10/9/2015**

1. The instant Cr.M.P. has been preferred within its limitation under Section 482 of Cr.P.C. for restoration of Criminal Appeal No.714/2015, dismissed on 25.6.2015 for non-compliance of a peremptory order for removal of the default within a week pointed out by the Registry.

2. Learned Counsel for the Petitioner prays for restoration of the matter.

3. Heard finally.

4. The Criminal Appeal was under default and thereby was not duly constituted Criminal Appeal ripe for hearing under the relevant provisions of Section 384 and 385 Cr.P.C.

5. As prayed on behalf of the Petitioner that the default has already been removed but after the stipulated time, he be given an opportunity that the Criminal Appeal be heard on its merits.

6. On due consideration of the fact that there are inherent powers under Section 482 Cr.P.C., it would be appropriate to condone the delay in removing the default. Hence, the instant Cr.M.P. is allowed and Criminal Appeal No. 714/2015 is restored to its original number.

7. The Cr.M.P. is allowed.

Sd/

(Chandra Bhushan Bajpai)

JUDGE