

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 787 of 2015

1. Arjun Singh Thakur S/o Chakodilal, aged about 32 years, R/o Narsinghpur, P.S. Gotegaon, Present Address : Village Domerpali Lahrod Padav Pithora, District Mahasamund Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through : Station House Officer, Out Post Tendukona Police Station Pithora District Mahasamund Chhattisgarh

---- Respondent

For Petitioner – Mr. Purnendra Khichariya, Advocate under the instruction of Mr. Anurag Jha, Advocate.

For respondent – Ms. Shobha Kashyap, Deputy Govt. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

07/09/2015

1. Heard on admission.
2. The instant Cr.M.P. is admitted for consideration.
3. Heard finally.
4. By filing the instant Cr.M.P. the applicant prayed for restoration of criminal appeal No.581/2015 on its original position.
5. As per order dated 09-07-2015, the default pointed out by Registry had not been removed despite opportunities given, therefore, a peremptory order was passed that if the default is not removed within two weeks from now, the appeal shall stand dismissed without further reference to the Bench.
6. As the appeal itself was not a duly constituted appeal under the default, there was no question for hearing on motion as provided under Section 384 of the Cr.P.C.; the said stage may reach only after presentation of a

duly constituted criminal appeal as expected under the rules.

7. Looking to the conviction and sentence passed by the trial Court, it would be appropriate to grant one more opportunity to remove the default.
8. Consequently, the instant Cr.M.P. is hereby allowed and the petitioner is ordered to remove the default within two weeks from now. After removal of the default Criminal Appeal No.581/2015 be restored to its original number.
9. The Cr.M.P. allowed.

Sd/-
(Chandra Bhushan Bajpai)
Judge