

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11839 of 2016

=====

Pradeep Mishra @ Chhotan Mishra S/o Late Praduman Mishra, Resident of
Purani Gudari, P.S.- Bettiah Town, District- W. Champaran

.... Petitioner

Versus

1. The State of Bihar
2. Ramesh Mishra S/O Late Surendra Mishra, Resident of Manpurmakari,
P.S.- Banwariya Bagha, District- East Champaran

.... Opposite Parties.

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Pradeep Nr. Kumar , APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 18-03-2016 Heard learned counsel for the petitioner and

learned counsel for the State.

The present application under Section 482 of the
Code of Criminal Procedure has been filed for restoration of
Cr. Appeal (SJ) No. 512 of 2015 to its original file which has
been dismissed for default due to non-compliance of order
dated 31.08.2015 passed by this court.

It is contended by learned counsel for the
petitioner that vide order dated 31.08.2015, leave was granted
to the learned counsel for the appellant to convert the appeal in
question into Cr. Appeal (D.B.) within one week from the date
of the order, failing which the appeal was directed to be

dismissed. However, by the said time, father of the appellant's counsel Pathak Dhananjay Kumar fell ill and the counsel had to rush to PGI, Lucknow in connection with treatment of his father. Since the said counsel is still pre-occupied with the treatment of his father, proper steps could not be taken in time for compliance of order dated 31.08.2015. It is further contended that on account of his pre-occupation in connection of treatment of his father, the then counsel, Pathak Dhananjay Kumar gave no objection in this case and another counsel has filed his *vakalatnama* on 15.12.2015.

Learned counsel for the State has raised no objection to the submissions made by the learned counsel for the petitioner.

On the facts and in the circumstances of the case, the prayer is allowed. Cr. App (SJ) No. 512 of 2015 is directed to be restored to its original file subject to condition that the petitioner shall comply with the order dated 31.08.2015 within two weeks from today.

(Ashwani Kumar Singh, J.)

Kanchan/-

U		T	
---	--	---	--