

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6 of 2015

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1. Reverent Swapan Rozario son of late Izek Rozario, the Secretary Bishop Rocky High School, Gomoh, Dhanbad, P.S.- Gomoh, District- Dhanbad.

2. Reverent Kamalakhsha Sardar, son of Late Paspu Lukar Sardar, Bishop Rocky High School, Gomoh, Dhanbad, P.S.- Gomoh, District- Dhanbad.

At present resident of Thoburn Memorial Methodist Church 151, Lenin Sarani Kolkata- 7000013.

Permanent resident of- Malyapur, P/O- Kundarali, P/S- Baruipur, District- 24, Pargana (South), West Bengal.

.... Petitioners

Versus

1. The State of Bihar

2. Munna Sah, son of Bhuneshwar Sah, R/M-Chhoti Keshopur, P.S.- Jamalpur, District- Munger.

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Smt. Sudha Ambastha, Advocate

For the Opposite Party/s : Dr. M.K.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 31-08-2016 Perused the report of the Judicial Magistrate, 1st Class, Munger dated 28.04.2016.

The instant application under Section 482 of the Code of Criminal Procedure has been filed for restoration of Cr. Misc. No. 45365 of 2013 which stood dismissed for non-compliance of the order dated 17.07.2014 passed by this Court.

It is submitted by the learned counsel for the petitioners that by the aforesaid order dated 17.07.2014, the

petitioners were directed to file requisites for issuance of notice upon opposite party no. 2, but the said order could not be complied with, as the counsel for the petitioner fell sick and for the said reason the application was dismissed.

It is further submitted that there is neither any deliberate or willful negligence on the part of the petitioners. The application for restoration of the aforesaid case was filed in January, 2015 itself, but, unfortunately, the matter could not be taken up earlier.

On the facts and in the circumstances, the restoration application is allowed. Cr. Misc. No. 45365 of 2013 is restored to its original file.

The petitioner is directed to comply with the order dated 17.07.2014 passed in Cr. Misc. No. 45365 of 2013 by tomorrow, failing which the application shall stand dismissed without further reference to a Bench.

(Ashwani Kumar Singh, J.)

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