

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.260 of 2012

Arising out of

L.P.A. No. 1205 of 2011

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Mahatam Singh, Son of Late Chhedi Singh, Resident of Chandui, P.S.- Kudra,
District- Kaimur (Bhabhua)

.... Petitioner/s

Versus

1. The State of Bihar, through the Secretary Home Department, Govt. of Bihar, Patna
2. Director General Cum Inspector General of Police, Bihar, Patna
3. Inspector General of Police (Special Branch), Bihar, Patna
4. Under Secretary, Home (Police) Department, Bihar, Patna
5. Deputy Inspector General of Police (Personnel/Admn.), Bihar, Patna
6. Deputy Inspector General of Police (Special Branch) Bihar, Patna
7. Superintendent of Police (A), Special Branch, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. V.R.P. Singh, Advocate
Mr. Arvind Kumar, Advocate.

For the Respondent/s :

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 08-02-2017

Re.:I.A. No. 4409 of 2013

The application is for condonation of delay of 3 months
and 29 days in filing the Review Application.

2. For the reasons mentioned in the Interlocutory
Application, we are satisfied that the petitioner has shown sufficient
cause to seek condonation of delay of 3 months and 29 days in filing
the present Review Application.



3. Consequently, Interlocutory Application No. 4409 of 2013 is allowed and delay of 3 months and 29 days in filing the Review Application is condoned.

Re.: Civil Review No. 260 of 2012

Petitioner has sought review of the order passed by a Division Bench of this Court on 20th of December, 2011 in L.P.A. No. 1205 of 2011 on the ground that there was no concession made by the counsel, as recorded, who appeared at the time of hearing of the appeal.

2. Learned counsel for the petitioner points out that the counsel who made statement has died but the Review Application was filed by him with a certificate signed by the counsel on 18th of May, 2012.

3. The Bench who has recorded the concession is no longer available. The appeal was decided on 20th of December, 2011 which categorically records the concession of the counsel who appeared for the appellant to the effect that the claim of the appellant is contrary to the judgment of the Supreme Court in the case reported as State of Bihar and Ors. Vs. Indra Nand Mishra and Ors, 2000 (3) PLJR SC 81.

4. Since the order of the Bench is based on concession, therefore, we do not find that such concession recorded in the judgment can be permitted to be avoided on the basis of averment



made in the Review Application.

5. We do not find any merit in the review application. The same is dismissed.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	10.02.2017
Transmission Date	

