

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22371 of 2017

Arising Out of PS. Case No.- Year- Thana- District- Saharsa

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Ghuran Tanti @ Dhuran Das Son of Late Yugeshwar Tanti, Resident of
Village- Barahi, P.S. Sour Bazar, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Tilo Tanti, Son of Late Rameshwar Tanti, Resident of Village- Barahi
(Bharahi), P.S.- Sour Bazar, District- Saharsa.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra
For the Opposite Party/s : Mr. SMT. ANITA KUMARI
For O. P. No. 2 : Mr. Durgesh Kumar

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 26-07-2017

Heard learned Counsel for the petitioner, learned
Counsel representing Opposite Party No. 2 and learned
Additional Public Prosecutor appearing on behalf of the State.

Considering the stand taken on behalf of the
petitioner of Criminal Revision No. 162 of 2017 that he was
willing to execute the sale deed within two months and he had
taken the amount from the informant for executing the sale
deed, then this Court, without going into the merits of the case,
had considered it proper to modify the sentence of
imprisonment awarded by the Court below to the period of
custody already undergone by the said petitioner.



The informant has filed the present application seeking recall of the order since the said petitioner of Criminal Revision No. 162 of 2017 has refused to abide by the order, dated 02.03.2017.

The petitioner of Criminal Revision No. 162 of 2017 has been made Opposite Party No. 2 in the present case, who is being represented by Mr. Durgesh Kumar. He has submitted that no such instruction was ever given to the Counsel representing the Opposite Party No. 2 herein in Criminal Revision No. 162 of 2017.

In view of incorrect submission having been made, the Court passed the order, dated 02.03.2017, Mr. Durgesh Kumar submits.

The order, dated 02.03.2017, passed in Criminal Revision No. 162 of 2017, having been obtained by fraud, is hereby recalled.

Let Criminal Revision No. 162 of 2017 be placed under the heading 'For Admission' on 02nd August, 2017.

The petitioner of Criminal Revision No. 162 of 2017 is directed to surrender before the learned Court below for being taken into custody in connection with G. R. No. 912 of 2008/Trial No. 2010 of 2013, in the mean while.



This application stands allowed.

Prabhakar Anand/-

(Chakradhari Sharan Singh, J.)

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