

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23831 of 2018

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Surendra Narayan Singh @ Lala Singh s/o Late Awadh Narayan Singh
Resident of Village Arraha, P.S. Saur Bazar, District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Chandra Kumar Singh son of Late Maheshwar Singh Resident of Village
Arraha, P.S. Saur Bazar, District - Saharsa.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Niraj Kumar, Advocate.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP.

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH**

ORAL ORDER

2 03-10-2018 This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioner for restoration of Cr. Misc. No. 45526 of 2014, which was dismissed on 04.09.2017 as Mr. Niraj Kumar, learned advocate appearing for the petitioner submitted his client had taken away the file from him and instructed him not to argue the matter.

Learned counsel for the petitioner submitted that subsequently the petitioner has engaged him and, therefore, he has filed the restoration application.

In my opinion, since the case was disposed of for want of prosecution as the advocate on record had been asked not to appear, a fresh vakalatnama after obtaining no objection certificate from the previous lawyer in a disposed of matter could



not have been filed.

In that view of the matter, I am not inclined to restore Cr. Misc. No. 45526 of 2014. However, the petitioner would be at liberty to challenge the impugned order of cognizance dated 23.07.2014 passed by the learned Judicial Magistrate, 1st Class, Saharsa in Complaint Case No. 1092 of 2013 by way of filing another application before this Court.

(Ashwani Kumar Singh, J)

Pradeep/Sneha

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