

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.36338 of 2018**

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1. Atul Raj, son of Siya Ram Singh, at present working as Inspector of Police (Trainee), P.S. Derni, District – Saran, at permanent address Bangali Tola, P.S. - Jakkanpur, District - Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Malti Devi, wife of Umesh Kumar Dixit, resident of village - Bishwambharpur, P.S. - Derni, District - Saran.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rajeev Ranjan Sinha, Advocate

For the Opposite Party/s : Dr. Rabindra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

2/ 27-06-2018

This application has been filed for restoration of Cr. Misc. No.51758 of 2014 which was dismissed on 24.02.2018 due to non-compliance of the order dated 17.02.2018.

It has been submitted that requisites for issuance of notice was to be filed within one week from the date of order, but it was filed on 27.02.2018 under wrong notion that two weeks' time has been granted.

As per office notes, requisites for issuance of notice was filed by the counsel for the petitioner on 27.02.2018 in compliance of the order dated 17.02.2018.

In such circumstances, the office is directed to accept the notice filed by the petitioner on 27.02.2018 after



restoring Cr. Misc. No.51758 of 2014 to its original file.

The office will issue notice to Opposite Party No.2 after accepting the notice.

This application is, accordingly, allowed.

Let it be communicated to Sri Anchal Dwivedi, Judicial Magistrate, 1<sup>st</sup> class, Chapra, in connection with Complaint Case No.3795 of 2013 (T.R. No.4377 of 2014).

**(Sanjay Priya, J)**

**JA/-**

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