

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2312 of 2019

1. Ramanand Kumar Kaushal, Son of Late Uttam Lal Mandal, resident of village – Gariah, Police Station – Bhawanipur, District – Munger, the then Dy.S.P. Bhagalpur, Now posted as Dy.S.P., Bettiah.
2. Arbind Kumar, Son of Vidya Prasad resident of village- Patiawan, Police station- Sakurabad, District- Jehanabad, The then Officer-In-Charge, Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Gopal Kumar Das, Son of Late Ram Kishun Das, resident of village- Godadda, Police Station- Haweli Kharagpur, District- Munger.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikram Singh
For the Opposite Party/s : Mr. Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 23-01-2019 Heard learned counsel for the petitioners.

This petition has been filed for restoration of Cr. Misc. No. 39769 of 2014 to its original file with the case that in the aforesaid case vide order dated 31.07.2018, petitioner was directed to take step for sending notice to opposite party no.2 by both processes within three weeks, but as the learned counsel for the petitioner fell ill, he could not attend the case and on 14.09.2018 peremptory order was passed to comply the earlier order within one week. But as the petitioner had no knowledge of the aforesaid order due to illness of his counsel, the aforesaid order could not be complied and accordingly his appeal stood



dismissed. However on getting knowledge of the same, petitioner has complied the aforesaid order on 29.10.2018. There is no intentional and deliberate laches on the part of the petitioner in dismissal of the appeal rather it was due to aforesaid reasons.

In the facts and circumstances of the case, Cr. Misc. No. 39769 of 2014 is restored to its original file and accordingly this petition is allowed.

Office is directed to issue notice to opposite party no.2.

(Prakash Chandra Jaiswal, J)

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