

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 37972 of 2019

In
Criminal Appeal (D.B.) No. 758 of 2017

Arising Out of PS. Case No.-321 Year-2001 Thana- BHABHUA District- Kaimur (Bhabua)

Kamla Pati Singh, Aged 85 years (Male), Son of Late Jagarnath Singh,
Resident of Village - Kori, Police Station- Bhabua, District- Kaimur, Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ramesh Singh, Son of late Fulchund Singh, Resident of Village - Varuna,
Police Station - Bhabua, District- Kaimur, Bhabua.
3. Dhananjay Singh, Son of Ramjanam Singh, Resident of Village - Bahadura,
Police Station - Chand, District- Kaimur, Bhabua.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Dr. Mayanand Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

2 16-10-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The present application has been filed seeking restoration of Criminal Appeal (D.B.) No. 758 of 2017. Initially, for non-compliance of order dated 04.10.2017, the appeal was dismissed. Thereafter it was restored by order dated 12.09.2018 passed in Criminal Miscellaneous No. 55806 of 2018 subject to the remaining defect being removed within a stipulated time. The same not having been done, the Appeal



again stood dismissed. Seeking restoration of the same, the present application has been filed.

3. Though we find that there are laches on part of the petitioner and the reasons given are not satisfactory, but for the ends of justice, we are inclined to give one further indulgence.

4. Accordingly, the application is allowed and Criminal Appeal (D.B.) No. 758 of 2017 is restored to its original file and number, subject to removal of the defects, whichever may be remaining, within one week from today in terms of order dated 04.10.2017 passed in the main appeal.

(Ahsanuddin Amanullah, J)

(Madhuresh Prasad, J)

M.E.H./-

U			
---	--	--	--

