

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 61683 of 2017

In
CRIMINAL APPEAL (DB) No. 728 of 2017

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Vinod Chandra Thakur, Son of Late Bhogendra Thakur, resident of Village Ram Nagar, Police Station Arer, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi, wife of Vijay Jha
3. Ramesh Jha, Son of Yogendra Narayan Jha, Both residents of Village Ram Nagar, Police Station Arer, District Madhubani.

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Dilip Kumar Sinha, A.P.P.

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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 for restoration of Criminal Appeal (D.B.) No. 728 of 2017 which stood dismissed for non-compliance of peremptory order dated 22.09.2017.

3. Learned counsel for the petitioner submitted that due to personal reasons, he could not appear on 22.09.2017 when the Court had granted time for removal of defects and,



thus, the same not being removed, the appeal itself stood dismissed. It was submitted that the remaining defect would be removed during course of the day.

4. Having considered the matter, we find that there is no deliberate or willful laches on the part of the learned counsel for the petitioner for the dismissal of the appeal due to non-removal of defects within the time stipulated by the Court.

5. Accordingly, the application is allowed. Criminal Appeal (D.B.) No. 728 of 2017 is restored to its original file and number subject to removal of remaining defects in the appeal during course of the day.

(Ahsanuddin Amanullah, J)

(Madhuresh Prasad, J)

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