

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52264 of 2019

In
CRIMINAL APPEAL (DB) No.24 of 2019

Arising Out of PS. Case No.-64 Year-2009 Thana- MOTIPUR District- Muzaffarpur

Paspati Devi, aged about 75 years, Female, Wife of Late Bhulan Sahni,
Resident of Village- Barji, P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar and Others

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA)

2 29-08-2019 Heard.

This petition has been filed on behalf of the petitioner
for restoration of Cr. App(DB). No. 24 of 2019 which stood
dismissed on 01.07.2019.

Learned counsel appearing for the petitioner submits
that the above stated Cr. App(DB). No. 24 of 2019 was filed by
the petitioner who has a good case against the judgment of
acquittal but this court without giving opportunity of hearing to
her passed order dated 01.07.2019. However, the perusal of
order dated 01.07.2019 passed in Cr. App(DB). No. 24 of 2019



goes to show that the aforesaid order was passed on merit when the learned counsel of the petitioner failed to appear before this court at the time of hearing and, therefore, the aforesaid fact goes to show that the order dated 01.07.2019 passed in Cr. App(DB). No. 24 of 2019 has been decided on merit and in our view, for setting aside the order dated 01.07.2019, filing of restoration petition is not appropriate remedy and, accordingly, this petition stands dismissed.

However, the petitioner may take step for challenging the order dated 01.07.2019 passed in Cr. App(DB). No. 24 of 2019 in accordance with law.

(Hemant Kumar Srivastava, J)

(Prabhat Kumar Singh, J)

Rajeev Kumar/-

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