

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40433 of 2019

In
CRIMINAL MISCELLANEOUS No.80618 of 2018

Arising Out of COMPLAINT CASE No.-18 Year-2018 District- Vaishali

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Satyendra Kumar Rai @ Satyendra Rai Son of Lal Babu Rai Resident of
Village-Mohanpur Dhinraj, P.S.-Mahua, District-Vaishali.

... .. Petitioner

Versus

1. The State Of Bihar
2. Suman Kumari Wife of Satyendra Kumar Rai @ Saytendra Rai, Daughter of
Ramjanam Rai Resident of Village-Chaklall @ Baranti, P.S.-Rajapakar
(Baranti-OP), District-Vaishali.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr.Anish Chandra, Advocate
For the Opposite Party : Mr.Rajesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 04-09-2020 Heard learned counsel for the petitioner and learned
counsel for the State via video conferencing.

By way of the present application under Section 482
of the Code of Criminal Procedure, 1973, the petitioner seeks
restoration of Cr. Misc. No.80618 of 2018, which was dismissed
for non-compliance of the peremptory order dated 07.02.2019.

It has been contended by learned counsel for the
petitioner that due to illness of the advocate clerk, the requites
could not be filed within time rather the same was filed on 27th
February, 2019. It has further been contended that there has
been no willful or deliberate laches on the part of the petitioner.



Learned counsel for the State does not oppose the prayer for restoration of the aforesaid application.

On the facts and in the circumstances of the case, the prayer is allowed.

Let Cr. Misc. No.80618 of 2018 be restored to its original file.

Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

(i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my email by the Sr. Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my email id to the Sr. Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.

(iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be sent to Mr. Anish Chandra, learned counsel for the petitioner also on his email.



(v) Let steps be taken by the Sr. Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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