IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. M. P. No. 1142 of 2020

Sati Nath Bhattacharya, so of Late Hari Das Bhattacharjee, resident of Flat No. 1639, Osimo, Mahagun Moderne, Sector 78, Noida, PO Sector 19, PS Sector 49, District Gautam Buddha Nagar -201301 (Uttar Pradesh)

... ... Petitioner

Versus

The Union of India through the Superintendent of Police, Central Bureau of Investigation, Dhanbad

... ... Opp. Party

CORAM: HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

Through Video Conferencing

06**/18.12.2020**

1. Learned counsel for the petitioner Mr. Pradeep Kumar Deomani is present.

2. Learned counsel for the opposite party Mrs. Nitu Sinha is also present.

3. Learned counsel for the petitioner submits that with regard to defect No. 9(i), he has filed a supplementary-affidavit stating that the case status of Cr.M.P. No. 1295/2016 was erroneously showing in the internet/intranet to be pending. However, the same has now been updated on the internet/intranet as disposed of on 03.05.2017. The learned counsel submits that in view of the aforesaid facts, the statement made in para-2 of the present petition is correct. The learned counsel submits that there are no further surviving defects in the present case. The learned counsel for the opposite party does not object to the aforesaid submissions of the petitioner.

4. The case is taken up on merits with the consent of the parties.

Cr. M.P. No. 1142/2020 on merits

5. The learned counsel for the petitioner submits that the present case has been filed for restoration of Cr. Revision No. 1119/2019 to its original file which was dismissed for non-prosecution vide order dated 17.02.2020 passed by this Court. He further submits that Cr. Revision No. 1119/2019 was filed against the order passed under Section 311 of Code of Criminal Procedure for recall and further cross-examination of the investigating officer of the case. He has further submitted that the case is still pending before the learned court below and due to COVID-19 situation, there is no progress in the trial. He submits that Cr. Revision No. 1119/2019 was listed for hearing before this Court and due to inadvertence, the learned counsel for the petitioner could not attend the case and the dismissal of the case for non-prosecution was neither deliberate nor intentional.

6. Learned counsel for the opposite party-C.B.I. has no serious objection to the restoration of Cr. Rev. No. 1119/2019 to its original file.

7. After hearing the learned counsel for the parties and considering the facts and circumstances of this case and being satisfied with the cause shown by the petitioner for non-appearance, the order dated 17.02.2020 passed in Cr. Rev. No. 1119/2019 dismissing the case for non-prosecution, is hereby recalled and Cr. Rev. No. 1119/2019 is restored to its original file.

8. Office is directed to place Cr. Rev. No. 1119/12019 before appropriate bench as per roster.

(Anubha Rawat Choudhary, J.)

Mukul