

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30739 of 2019

Arising out of

CRIMINAL MISCELLANEOUS No.19701 of 2014

Arising Out of PS. Case No.-780 Year-2011 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. Lalan Sah, aged about 64 years (Male), Son of Late Sanhu Sah, Resident of Village - Naya Gaon, P.S.- Laukariya, District- West Champaran
 2. Shivji Narayan Singh, aged 63 years (Male), Son of Late Ganesh Singh Resident of Village - Narainpur Ghat, P.S.- Bagaha, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Yugul Kishore Singh, Son of Late Ganesh Singh Resident of Village - Narainapur Ghat, P.S.- Bagaha, District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithvi Nath Mishra, Advocate
For the State : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 07-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Prithvi Nath Mishra, learned counsel for the petitioners and Mr. Bharat Lal, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The present petition has been filed for recall of order dated 16.01.2019 passed in Cr. Misc. No. 19701 of 2014 by which the said case was dismissed due to non-compliance of the order for filing of requisites for issuance of notice on opposite party no. 2 dated 12.10.2018, which was peremptory in nature.



4. Learned counsel for the petitioners submitted that during the said period when the requisites had to be filed, his mother had died and due to that the order was not complied with and also no petition for restoration was filed. However, it was submitted that subsequently requisites etc. have been filed on 30.01.2019.

5. Learned APP submitted that the petitioners did not comply with the order within time.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that sufficient cause has been shown for non-compliance of order dated 12.10.2018 which ultimately led to dismissal of the case on 16.01.2019.

7. Accordingly, the petition is allowed. Cr. Misc. No. 19701 of 2014 stands restored to its original file and number.

8. Registry shall issue notice on the basis of requisites already filed on 30.01.2019 in terms of the order dated 12.10.2018.

(Ahsanuddin Amanullah, J)

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