

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7484 of 2021

In
CRIMINAL APPEAL (SJ) No.3995 of 2018

Arising Out of PS. Case No.-105 Year-2015 Thana- BAGHA District- West Champaran

Rakesh Sah Son of Jagdeo Sah Resident of Village- Dumwalia, P.S.- Bagaha
(Pathkauli), District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Samir Kumar, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 07-07-2021 This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioner for restoration of Cr. Appeal (SJ) No. 3995 of 2018 which was dismissed for want of prosecution vide order dated 19.02.2020.

Learned counsel for the petitioner submits that due to illness, the counsel for the petitioner could not appear on 19.02.2020, as a result of which, the case was dismissed for want of prosecution. There is no deliberate and intentional laches on the part of the appellant. He could not attend the Court due to compelling and unavoidable reasons.

Learned counsel for the State does not oppose the prayer for restoration of Cr. Appeal (SJ) No. 3995 of 2018.

In view of the submissions made above, Cr. Appeal (SJ) No. 3995 of 2018 is restored to its original file.



Cr. Appeal (SJ) No. 3995 of 2018

This appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, (for short “the Act”) has been preferred by the appellant against the order dated 04.09.2018 passed by the learned Additional Session Judge-cum-Special Judge, Bettiah, West Champaran in Sessions Trial No. 522 of 2015 arising out of Bagaha (Patkhauli) P.S. Case No. 105 of 2015 registered for the offence punishable under Section 302/34 of the Indian Penal Code and Section 3(2)(v) of the SC/ST Act whereby and whereunder the prayer for bail of the appellant was rejected.

At the outset, learned counsel for the appellant submits that the trial of the case is at its fag end. He contends that out of eight witnesses, seven have already been examined, cross-examined and discharged. He further contends that under the circumstances, the appeal itself may be disposed of as withdrawn so that the appellant may pursue the trial before the special court.

Considering the submissions made above, the Cr. Appeal (SJ) No. 3995 of 2018 is disposed of as withdrawn.

(Ashwani Kumar Singh, J)

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