

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79556 of 2019**

Arising out of

CRIMINAL REVISION No.541 of 2018

Arising Out of PS. Case No.-11 Year-2006 Thana- RAMGARH District- Kaimur (Bhabua)

Garjan Chamar, aged about 68 years (male), S/o Late Bans Narayan Chamar
R/o village- Godsara, P.S.- Ramgarh, District- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhaneshwar Prasad Gupta, Advocate
For the State	:	Mr. Bishweshwar Ram, APP
For the Informant	:	Mr. Md. Abu Haider, Advocate

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 30-06-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Dhaneshwar Prasad Gupta, learned counsel for the petitioner; Mr. Bishweshwar Ram, learned Additional Public Prosecutor (APP) for the State and Mr. Md. Abu Haider, learned counsel for the informant.

3. The present application seeks recall of order dated 18.10.2019 passed in Criminal Revision No. 541 of 2018 dismissing the case for non-prosecution.

4. Learned counsel for the petitioner submitted that due to illness of learned counsel, the case could not be marked in the daily cause list, both on 17.10.2019 and 18.10.2019 resulting in dismissal due to non-prosecution. It was submitted that there was no deliberate laches on the part of the petitioner and if the matter is not restored it will lead to irreparable loss to



the petitioner as the case was filed against the judgment and order of conviction and sentence.

5. Learned APP submitted that the case was called but nobody had responded and, thus, there was laches on the part of the petitioner.

6. Learned counsel for the informant also submitted that on two days, the case was called and then it was dismissed for default, which clearly reflects laches on the part of the petitioner.

7. 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 by learned counsel for the petitioner for his non-appearance on 17.10.2019 and 18.10.2019 leading to dismissal of the case for non-prosecution.

8. Accordingly, the petition is allowed. Order dated 18.10.2019 stands recalled and Criminal Revision No. 541 of 2018 stands restored to its original file and number.

(Ahsanuddin Amanullah, J)

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