

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.79472 of 2019

Arising out of

CRIMINAL REVISION No.1414 of 2018

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Ishaque Ahmad @ Ishaque Mian, aged about 37 years, male, Son of Shubhan Ahmad Resident of Village-Baidapur Bishunpura, P.S.-Daraunda, District-Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Kirti Nisha, Wife of Ishaque Ahmad, Daughter of Aklu Ahmad Resident of Village-Baidapur Bishunpura, P.S.-Daraunda, District-Siwan.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the State : Mr. Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 17-02-2021

Heard Mr. Manoj Kumar, learned counsel for the petitioner and Mr. Humayou Ahmad Khan, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The present application has been filed for modification of order dated 06.08.2019 passed in Criminal Revision No. 1414 of 2018 by which the defects were to be



removed by 09.08.2019 and upon failure, the matter was directed to be dismissed without further reference to the bench and, accordingly, upon failure, the same was done.

3. Learned counsel for the petitioner submitted that there was some communication gap due to which the defects could not be removed within the time-frame fixed by the Court and thereafter could not be done as he was not permitted to do so by the Registry. Learned counsel submitted that the issue relates to matrimonial discord and the Court may take a sympathetic view in the matter.

4. Learned APP submitted that the petitioner has flouted the peremptory order of the Court.

5. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the application is allowed. The order dated 06.08.2019 stands modified to the extent that the time allowed for removing the defects stands extended to 8th March, 2021.

6. It is made clear that if by that date, the order dated 06.08.2019 passed in Criminal Revision No. 1414 of 2018 is not complied with, the present application will be deemed to have been dismissed.

7. If anything is required to be provided by the office



for removing the defects, the office shall do the needful so that the present order is complied with by learned counsel for the petitioner, within time.

(Ahsanuddin Amanullah, J)

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