

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39098 of 2019**

**In
CRIMINAL MISCELLANEOUS No. 51346 of 2018**

**In
CRIMINAL APPEAL (DB) No.1209 of 2017**

Arising Out of PS. Case No.-80 Year-2014 Thana- HALSI District- Lakhisarai

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Dharamveer Viswakarma Son of Bundi Mistri, resident of Village- Premdiha,
Police Station- Halsi, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 39098 of 2019)

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

For the Opposite Party/s : Mr.Ajay Mishra, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)
Date : 20-07-2022**

This application has been filed for restoration of
Criminal Appeal (DB) No.1209 of 2017 which was dismissed
for non-compliance of the order dated 06.12.2017/19.12.2018.

Learned counsel for the petitioner submitted that he
has recently been engaged in the present appeal. Earlier, another
counsel, namely, Anwar Karim was appearing in the appeal. It
appears that for one reason or other, he could not comply with
the directions issued by the Court for removal of the defects as
pointed out by the stamp39098 reporter. He submitted that the



appeal is against judgment of conviction and the appellant has been sentenced to undergo imprisonment for life. In case the appeal would not be restored to its original file, the appellant would suffer irreparable loss and injury.

Learned counsel for the State does not oppose the prayer made on behalf of the appellant.

Considering that it is an appeal against judgment of conviction, we are inclined to allow the application. Criminal Appeal (DB) No.1209 of 2017 is directed to restore to its original file.

The appellant shall be required to remove the defects as pointed out by the registry within four weeks from today.

The application stands allowed.

(Ashwani Kumar Singh, J)

(Arvind Srivastava, J)

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AFR/NAFR	NA
CAV DATE	NA
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