

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10894 of 2021

Arising Out of PS. Case No.-38 Year-2017 Thana- SC/ST District- Khagaria

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1. Sarita Singh @ Sarita Devi Female, aged about 62 years, Wife of Late Vimal Kumar Singh Resident of Village-Thutthi, Police Station-Chautham, District - Khagaria
 2. Md. Monajeer Uddin @ Md. Monajuddin, aged about 55 years, Son of Late Jasim Uddin Resident of Village-Thutthi, Police Station- hautham, District - Khagaria

... .. Petitioners

Versus

1. The State of Bihar
2. Amod Kumar, male, Son of Late Chandeshwari Paswan Resident of Village - Thutthi, Police Station - Chautham, District - Khagaria

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Satish Kumar Singh, Adv.
For the Opposite Parties : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 11-05-2022 Heard learned counsel for the petitioner and learned counsel for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

Learned counsel for the petitioner submits that instead of Cr. Appeal (SJ), a quashing application under Section 482 of the Code of Criminal Procedure has been filed due to inadvertence.

In view of such submission and considering the fact that



the application has been filed online and placed before this Court along with defect, this Court would allow the petitioner's counsel liberty to move afresh by filing Cr. Appeal (SJ) petition.

The instant petition is, accordingly, disposed of with an observation that since the petitioner is not pressing his application the defect insofar as the supplying of certified copy of the impugned order dated 04-02-2020, shall not be raised in the instant proceedings and the petitioner would be at liberty to use the certified copy of the order dated 04-02-2020 in the Cr. Appeal (SJ) proposed to be filed.

(Madhuresh Prasad, J)

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