

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59539 of 2021

In
CRIMINAL MISCELLANEOUS No.4331 of 2020

Arising Out of PS. Case No.-66 Year-2017 Thana- TARABARI District- Araria

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SHRAWAN RAM @ SHRAWAN KUMAR RAM Son of Late Dinesh Ram
Resident of Village- Phulwari, Panchayat-Jamua, P.S.- Tarawari, District-
Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shiv Shankar Sah, Advocate
For the Opposite Party/s : Mr.Md. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-03-2022 The present petition has been filed for restoring a

petition bearing Criminal Misc. No. 4331 of 2020 which has

stood dismissed for default on account of non-compliance of the

peremptory order dated 29.01.2020.

The learned counsel for the petitioner has submitted
that of account of the petitioner having not got any information
by SMS on his mobile phone regarding the listing of the said
case, the learned counsel for the petitioner could not attend the
hearing of the said case resulting in passing of a peremptory
order for removal of the defects, knowledge whereof could not
be acquired by the learned counsel for the petitioner, resulting in
non-curing of the defects in time due to which the aforesaid case



has been dismissed for default.

The learned counsel for the petitioner has submitted that though the defects, according to him, have now been removed, however, he prays for grant of two weeks' further time to approach the Registry of this Court and remove the defect(s), if any, still existing in the present case.

Considering the facts and circumstances of the case and the submissions/averments made in the present petition, I deem it fit and proper to direct for restoration of the aforesaid petition bearing Criminal Misc. No. 4331 of 2020 to its original file subject to removal of the remaining defect(s), if any, within a period of two weeks from today, for which liberty is granted to the petitioner to approach the Registry of this Court physically and do the needful.

The present petition stands allowed.

(Mohit Kumar Shah, J)

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