

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44544 of 2023

Arising Out of PS. Case No.-30 Year-2005 Thana- PIRPAINTI District- Bhagalpur

SK. KASIM @ MD. KASIM SON OF SK. MUNIR RESIDENT OF
VILLAGE- GOVINDPUR, PS- PIRPAINTI, DIST-- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tarun Prasad Mandal

For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 25-08-2023 Heard learned counsel for petitioner and learned
Additional Public Prosecutor.

2. This application is filed for quashing the order dated 13.10.2022 passed by learned Additional Sessions Judge-XVI, Bhagalpur in Cr. Appeal no. 57/2013 arising out of Pirpanti P.S. Case No. 30/2005 corresponding to G.R. No. 252/2005 Trial No. 1342/2013 has been dismissed for want of prosecution and restore the Cr. Appeal No. 57/2013.

3. By the impugned order dated 13.10.2022, Cr. Appeal No. 57 of 2013 has been dismissed for default by the Additional Sessions Judge XVI, Bhagalpur.

4. The Criminal Appeal cannot be dismissed for non prosecution rather it is obligatory upon the Court to proceed with the hearing of the appeal after appointing amicus curie and



decide the appeal on merits.

5. In view of the above, the impugned order is set aside and the Criminal Appeal is restored to it original file.

(Sandeep Kumar, J)

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