

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50674 of 2023

In
CRIMINAL APPEAL (SJ) No.1457 of 2023

Arising Out of PS. Case No.-232 Year-2018 Thana- COMPLAINT CASE District- Araria

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Sunil Kumar Yadav @ Sunil Kumar Bishwas Son of Kisun Lal Yadav
Resident Of Village- Pothia (WARD No. 7), P.S.- Palasi, Distt- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jayanti Devi Wife of Mahadev Paswan Resident of Village- Pothia (WARD No. 7), P.S.- Palasi, Distt- Araria

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar No.1, Adv.
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 02-08-2023 This is restoration petition of Cr. App. (SJ) 1457 of 2023.

2. It is submitted by learned counsel for the appellant that in Cr. App. (SJ) 1457 of 2023 preferred by the present appellant has to file the notices within the stipulated period vide order passed by this Court on 10.05.2023 but the appellant could not file the required notices within the stipulated period and therefore the appellant's appeal was dismissed on 30.05.2023.

3. It is further submitted by learned counsel for the appellant that due to non-availability of Advocate clerk, the appellant could not deposit the notices within the stipulated period, but just after the expiry of the said period he filed the

notices on 20.06.2023 by assistance of another advocate and there was no intentional delay on the part of the appellant in filing the said notices.

4. Considering the above submissions, the instant restoration petition stands allowed and the Cr. App. (SJ) 1457 of 2023 is directed to be restored at its original position.

5. Let the notices filed by the appellant be issued to the respondent No. 2 of Cr. App. (SJ) 1457 of 2023 and after the service of the notices, the said Cr. App. (SJ) 1457 of 2023 be listed under appropriate heading before an appropriate Bench.

(Shailendra Singh, J)

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