

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57969 of 2024

Arising Out of PS. Case No.-22 Year-2013 Thana- SAHIYARA District- Sitamarhi

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1. Laxman Singh S/o Bijali Singh R/o vill- Sahiyara, ward no. 6, P.S. - Sahiyara, Distt. - Sitamarhi
 2. Chunchun Singh S/o Bijali Singh R/o vill- Sahiyara, ward no. 6, P.S. - Sahiyara, Distt. - Sitamarhi
 3. Rajesh Kumar Singh S/o Sukhram Singh R/o vill- Sahiyara, ward no. 6, P.S. - Sahiyara, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate
For the State : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 19-08-2024 Heard the parties.

2. The present application has been filed for quashing the order dated 21.02.2024 passed in Cr. Appeal No. 31 of 2018 in Sahiyara P.S. Case No. 22 of 2013 by the learned Additional Sessions Judge-XIII, Sitamarhi by which the appeal preferred by the petitioners against their judgment of conviction and order of sentence dated 11.07.20218 passed by the learned Assistant Sessions Judge-II, Sitamarhi has been dismissed for non prosecution.

3. It is an admitted fact that the criminal appeal of the petitioner has been dismissed for default. The criminal appeal of



an accused-appellant cannot be dismissed for default. It has to be heard and decided on merits.

4. In view of the above, this application is allowed.

5. The order dated 21.02.2024 passed in Cr. Appeal No. 31 of 2018 in Sahiyara P.S. Case No. 22 of 2013 by the learned Additional Sessions Judge-XIII, Sitamarhi is quashed and the Criminal Appeal No. 31 of 2018 is restored to its original file. It shall be disposed of by the Additional Sessions Judge-XIII, Sitararhi or the transferee Additional Sessions Judge after a copy of the order is produced before the Court below by the petitioners. The petitioners will co-operate in the disposal of the criminal appeal.

6. The consequential steps pursuant to the dismissal of the criminal appeal shall be kept in abeyance.

(Sandeep Kumar, J)

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