

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19725 of 2025

In
CRIMINAL REVISION No.306 of 2023

Arising Out of PS. Case No.- Year-0 Thana- District- Madhepura

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Santosh Kumar Jha @ Santosh Kumar Son of Ishwar Nath Jha @ Madan Jha
Resident of Mohalla- Hatiya Gachhi, ward no. 32, P.S.- Saharsa, District-
Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shewta Kumar @ Seveta Kumari , D/O Badri Narayan Mishra R/O Vill.-
Bishnupur, Post- Parwanatol, P.S.- Murliganj, Dist.- Madhepura.
3. Himanshu Prabhakar S/O Santosh Kumar Jha @ Santosh Kumar (Minor)
R/O Vill.- Bishnupur, Post- Parwanatol, P.S.- Murliganj, Dist.- Madhepura.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Adv.
For the State : Mr. Sunil Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 26-03-2025 Vide an order dated 10th February, 2025, an

application under Section 5 of the Limitation Act, dated 15th
January, 2024 (I.A. No. 1 of 2024) was dismissed for default.
Consequent to the dismissal of the Limitation Petition, the main
Revisional Application was also dismissed. The petitioner has
filed a composite application for restoration of both the
applications under Section 5 of the Limitation Act as well as the
Criminal Revision.

2. I have heard learned Advocate on behalf of the
petitioner. This Court is satisfied that the petitioner has been



able to establish sufficient cause in support of his non-appearance when the matter was called on for hearing. However, there is a technical defect in the instant application, because until and unless the application for limitation be restored, question of restoration of Revisional Application does not arise.

3. In view of such circumstances, while allowing the application for restoration of the Limitation Petition (I.A. No. 1 of 2024), it is directed that the Revisional Application shall only be restored after disposal of the petition under Section 5 of the Limitation Act.

4. Fixed this case on 3rd April, 2025 for hearing of I.A. No. 1 of 2024.

5. With the above observation, the instant Criminal Miscellaneous case is disposed of.

(Bibek Chaudhuri, J)

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