

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82317 of 2024
In
CRIMINAL MISCELLANEOUS No.34704 of 2024

Arising Out of PS. Case No.-228 Year-2023 Thana- MURLIGANJ District- Madhepura

Sita Ram Ram @ Shri Sita Ram Ram S/O Vikha Ram the then Panchyat
Sachiv R/O village- Parihari, P.S- Kumar Khand, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Adv.

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 31-01-2025 Heard the parties.

2. The present application has been filed:

for Restoration of Cr. Misc. No.

*34704 of 2024 (Sita Ram Ram @ Shri Sita
Ram Ram Vs. the State of Bihar) to its original
file which has been dismissed for default for
non-compliance of the peremptory order.*

3. On 14.08.2024, two weeks' time was granted to the
petitioner to remove the defect.

4. As it was a peremptory order, the same having not
been complied, it stood rejected on 28.08.2024.

5. The office note of 17.10.2024 read as follows:

Regd. Order no. 2

*This case has been rejected on
28.08.2024 in view of Hon'ble Court's order*



dated 14.08.2024.

Relevant document (Court fee and type copy of pages has been filed after expiry of peremptory tune (i.e. on 21.09.2024) which is kept at flag-y.

Submitted under the heading “To Be Mentioned” before Hon’ble Mr. Justice Rajiv Roy.

6. Thereafter, on 18.10.2024, as directed, on 14.08.2024, it came before this Court for perusal of the same and was consigned.

7. The restoration petition thereafter has been filed and in paragraph no. 5, it has been stated that on 23.08.2024 itself, the defect was cured inasmuch as the court fee of Rs. 175/- and true type copy of hand written pages were filed and in support the case status dated 18.10.2024 has been shown.

8. In the aforesaid background and since the petitioner contrary to what has been recorded in the file insisted that the same has been filed on 23.08.2024 (well within time), the office Staff, **Mr. Niraj Kumar, ASO** from **Cr. Misc. (pending) Section** was summoned and he took this Court to the two documents:

(i) the case status dated 10.09.2024 which does not show any filing of the court



fee/relevant pages which the petitioner was required to file within two weeks of the order dated 14.08.2024;

(ii) thereafter, he has taken this Court to the document which has been filed by the learned counsel, Mr. Amarnath Jha, though have been dated 22.08.2024, the office stamp shows that it was filed on 21.09.2024 well after the dismissal of the case on 28.08.2024.

9. Once again, when the restoration petition is perused, it is clear that the petitioner has chosen to bring on record the case status of 18.10.2024 to substantiate his point.

10. In view of the fact that not only the petitioner failed to remove the defect in time, has also chosen to play with the Court by narrating a different picture forcing it to summon the official, this Court is not inclined to extend any relief in the present petition.

11. Cr. Misc. No. 82317 of 2024 stands dismissed.

(Rajiv Roy, J)

Vijay Singh/-

U		T	
---	--	---	--

