

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17871 of 2026

In
CRIMINAL MISCELLANEOUS No.66130 of 2025

Arising Out of PS. Case No.-7 Year-2025 Thana- GAYA KOTWALI District- Gaya

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Mojahid Sheikh @ Mohammad Muzahid @ Mohammad Muzahid Sheikh son of Md. Zainul Khan @ Mohammad Yunus @ Md. Zainus Khan @ Mohammad Zainus Khan Resident of Village -Vijay Nagar Kachhi Basti, Shastri Nagar, PS -Barhampuri District -Jaipur Rajasthan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amar Thakur (ABC) son of Ashok Thakur Resident of village- Makhlodganj, Devi Asthan, Ps- Kotwali, Dist- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sharma, Advocate.
For the Opposite Party/s: Mr.Abhay Kumar Roy, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 06-04-2026 Heard learned counsel appearing on behalf of the petitioner and learned APP for the State.

2. The petitioner seeks restoration of Cr. Misc. No. 66130/2025 which stood dismissed for non-prosecution *vide* order dated 31.01.2026.

3. In the opinion of this Court, Section 403 of the BNSS provides as follows:

“403. Court not to alter judgment.

Save as otherwise provided by this Sanhita or by any other law for the time being in force, no Court, when it has signed its judgment or final order disposing of a case, shall alter or review the same except to correct a clerical or arithmetical error.”



4. The aforesaid provision, though placing a restriction on alteration or review of a final judgment, does not preclude restoration of a matter dismissed for non-prosecution, upon sufficient cause being shown, in order to secure the ends of justice as held by the Apex Court in the case of *Vishnu Agarwal vs State Of U.P. & Anr* passed in *Criminal Appeal No(S). 1323 Of 2004*.

5. In view of the above information and pleadings made in the restoration application and the affidavit, the Cr. Misc. No. 66130/2025 is restored to its original file.

6. The restoration application stands allowed.

(Purnendu Singh, J)

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