

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.557 of 2026

In
CRIMINAL APPEAL (SJ) No.5358 of 2024

Arising Out of PS. Case No.-47 Year-2018 Thana- SC/ST District- Madhubani

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1. Raju Yadav @ Raju Kumar Yadav Son of Bechai Yadav R/O Village- Bheja, P.S.- Bheja, District- Madhubani
 2. Rajesh Yadav Son of Bachai Yadav R/O Village- Bheja, P.S.- Bheja, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Sitaram Ram Son of Late Shivan Ram R/O Village- Bheja, P.S.- Bheja, District- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Advocate
For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 15-04-2026 Heard learned counsel appearing on behalf of the
petitioners and learned APP for the State.

2. The petitioners seek restoration of Cr. Appeal (SJ)
No.5358/2024 which stood dismissed for non-compliance *vide*
order dated 18.04.2025.

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-compliance, 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. Appeal (SJ) No.5358/2024 is restored to its original file.

6. The restoration application stands allowed.

(Purnendu Singh, J)

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