

ITEM NO.8

COURT NO.8

SECTION II-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

M.A. No.211/2020 In M.A. No.2500/2019 In S.L.P.(Cr1.) No.5281/2019

HARIHAR MAHTO @ HARIHAR SINGH & ORS.

Petitioner(s)

VERSUS

THE STATE OF BIHAR & ANR.

Respondent(s)

(With appln.(s) for restoration)

Date : 23-01-2020 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE AJAY RASTOGI

For Petitioner(s) Dr. Ranjit Singh, Adv.  
Dr. Sushil Balwada, AOR

For Respondent(s) Mr. Animesh Kumar, Adv.  
Mr. Murari Kumar, Adv.  
Mr. Neeraj Shekhar, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

MA No 211/2020 in MA No 2500/2019 in SLP(Cr1) No 5281/2019

In the present case, notice was issued by this Court on 4 July 2019 and stay of arrest was granted in respect of the first, second and third petitioners. The Special Leave Petition was dismissed as against the fourth petitioner.

On 11 September 2019 when the proceedings came up before this Court, the petitioners and their counsel remained absent and a serious grievance was made on behalf of the State and the complainant that no service of the paper book

had been effected on the learned counsel. Hence, a conditional order was passed requiring the petitioners to serve the counsel for the respondents within a period of one week, failing which the petition would stand dismissed and the interim order would stand vacated. No service was effected in compliance with the conditional order. Thereafter, a restoration application was filed which was dismissed on 11 December 2019 since no one appeared on behalf of the petitioners.

At this stage, a fresh application for restoration has been filed explaining the circumstances in which the learned counsel was unable to remain present on 11 December 2019. In the interest of justice, we allow the restoration application and restore the Special Leave Petition to file in its original number.

SLP(Cr1) No.5281/2019

While we are not inclined to entertain the Special Leave Petition under Article 136 of the Constitution, we leave it open to the petitioners to surrender before the competent court and apply for regular bail. If such an application is made, it may be considered expeditiously.

Subject to the aforesaid direction, the Special Leave Petition is dismissed.

(Chetan Kumar)  
A.R. - cum - P.S.

(Saroj Kumari Gaur)  
Court Master