

**Serial No.03**  
**Supp.List**

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

Crl.Rev.P. No. 28 of 2019

Date of Order : 27.06.2019

Shri. Surajit Singh

Vs.

Smti. Niha Singh.

**Coram:**

**Hon'ble Mr. Justice Ajay Kumar Mittal, Chief Justice**

**Appearance:**

For the Petitioner/Appellant(s) : Mr. B.Deb, Adv.

For the Respondent(s) : None.

**ORAL**

The petitioner has impugned order dated 03-05-2019 passed by learned Session/Special Judge, Shillong whereby Crl.Misc.Case No. 16(H) 19 was dismissed on default and consequently Crl. Appeal No. 3 (H) 19 was also dismissed.

Learned counsel for the petitioner submitted that on 03-05-2019, the petitioner could not appear before the learned Trial Court as on 04-04-2019 i.e. previous date of hearing he received an SMS from BW-Courts to the effect that “dsjshil: Criminal Appeal No. (H)/3/2019 Surajit vs Nilu, listed on 03-07-2019, Court: District and Sessions Judge.”

It was submitted that according to him since the next date was 03-07-2019 and, therefore, non-appearance on 03-05-2019 was bonafide and unintentional. However, I find that no application for recall/restoration of Crl.Misc.case No. 16(H)19 has been filed before the Trial Court bringing the aforesaid facts, thus, the present petition is disposed of by permitting the petitioner to move an appropriate application for recall of order dated 03-05-2019 in accordance with law.

**(Ajay Kumar Mittal)**  
**Chief Justice**

Meghalaya  
27.06.2019  
“Samantha PS”