

(2025:JHHC:18914)

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.996 of 2025

Kundan Kumar, aged about 23 years, son of Dilip Kumar Mandal,
resident of village Atka, P.O. and P.S. Bagodar, District-Giridih.

... Petitioner

Versus

1. The State of Jharkhand
2. Radhika Devi, wife of Jitendra @ Guduru Mandal, resident of
village-Jorasimer, P.O.-Ahilayapur, P.S.-Ahilayapur, District-
Giridih.

... Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Jitendra Nath Upadhyay, Advocate
For the State : Mr. Pankaj Kr. Mishra, Addl.P.P.
For the OP 2 : Mr. Sheo Kr. Singh, Advocate

Order No:-03 Dated:-11-07-2025

Heard the parties.

This Criminal Miscellaneous Petition has been filed by the petitioner with a prayer for restoration of Cr.M.P. No.2732 of 2024 to its original file; which stood dismissed for non-compliance of peremptory order dated 23.09.2024.

It is submitted by the learned counsel for the petitioner that Cr.M.P. No.2732 of 2024 stood dismissed for non-compliance of the order dated 23.09.2024 for filing requisites for service of notice upon the opposite party no.2 peremptorily within four weeks. It is next submitted that due to inadvertent mistake on the part of advocate's clerk, the petitioner could not file the said requisites within the stipulated time; which resulted in dismissal of the said Cr.M.P. No.2732 of 2024 for non-compliance vide order dated 23.09.2024. It is next submitted that non-compliance of the said order dated 23.09.2024 was neither deliberate nor intentional. It is also submitted that the petitioner has very good grounds to agitate in the said Cr.M.P. No.2732 of 2024 and unless the same is restored to its original file, the petitioner will be highly prejudiced. Hence, it is submitted that the Cr.M.P. No.2732 of 2024 be restored to its original file.

Learned counsel appearing for the State has not raised any serious objection.

Considering the aforesaid submission of the learned counsel for the petitioner, Cr.M.P. No.2732 of 2024 is directed to be restored to its original file to the same stage, at which it was before its dismissal.

Registry is directed to list Cr.M.P. No.2732 of 2024 before the concerned Bench after a week.

This Criminal Miscellaneous Petition is disposed of accordingly.

(Anil Kumar Choudhary, J.)

Abhiraj/