

(2026:JHHC:19560)
IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 1094 of 2026

Dr. Anil Kumar Gupta, aged about 66 years, son of Late Jagnarain Lal Gupta, resident of Jain Mandir Road, P.O. & P.S. -Daltonganj Town (Medininagar), District -Palamau, Jharkhand.

.... Petitioner

Versus

1. The State of Jharkhand
2. Uday Kumar Verma
3. Durga Jauhari
4. Pappu Jauhari
5. Arbind Kumar Verma
6. Amit Kumar Verma, all sons of Late Banwari Sao, all resident of Jain Mandir Road, Daltonganj and Sahitya Samaj Chowk, P.O. and P.S. Town Medininagar, District -Palamau.

.... Opp. Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Niladri S. Mukherjee, Advocate
For the State : Mr. Bhola Nath Ojha, Spl. P.P.
For the O.P. No.2 : Mr. Arvind Prakash Malakar, Advocate

Order No.03 Dated- 03.07.2026

Heard the parties.

This criminal miscellaneous petition has been filed at the instance of the petitioner for restoration of Acquittal Appeal (C) No.77 of 2025 to its original file.

Learned counsel for the petitioner submits that Acquittal Appeal (C) No.77 of 2025 was dismissed for non-compliance of the peremptory order of this Court dated 13.02.2026 whereby the petitioner was directed to file requisites for service of notice upon the respondent nos. 2 to 6. It is next submitted all of a sudden on 20th February, 2026, the learned counsel for the petitioner Mr. Niladri Shekhar Mukherjee received information that his father is seriously ill due to respiratory problem and needs immediate shifting to Kolkata from Purulia, West Bengal for better treatment. Since his father is a cancer patient, so immediately on 20th February, he left for Purulia and therefrom to Kolkata, hence the said order dated

13.02.2026 could not be complied with within the stipulated time, resulting in dismissal of the said Acquittal Appeal (C) No.77 of 2025. It is next submitted that non-appearance of the learned counsel for the petitioner was neither deliberate nor intentional. It is further submitted that the petitioner has very good grounds to agitate in the said Acquittal Appeal (C) No.77 of 2025 and unless Acquittal Appeal (C) No.77 of 2025 is restored to its original file, the petitioner will be highly prejudiced. Hence, it is submitted that the Acquittal Appeal (C) No.77 of 2025 be restored to its original file.

Learned counsel for the opposite party nos.2 to 6 submits that the petitioner is deliberately delaying the matter and harassing the opposite party no.2 by lingering the same. Hence, the opposite party nos.2 to 6 be adequately compensated with costs.

Considering the aforesaid submission of the learned counsel for the petitioner, Acquittal Appeal (C) No.77 of 2025 is restored to its original file to the stage at which, it was before its dismissal subject to payment of costs of Rs.5,000/- by the petitioner to the opposite party nos.2 to 6 through the learned counsel appearing in the record within four weeks, failing which, this conditional order shall not be given effect to and this criminal miscellaneous petition shall stand dismissed without further reference to the Bench.

In case, the petitioner files the proof of payment of costs of Rs.5,000/- by the petitioner to the opposite party nos.2 to 6 through the learned counsel appearing in the record within four weeks, list Acquittal Appeal (C) No.77 of 2025 under the appropriate heading after a week before the appropriate Bench.

(Anil Kumar Choudhary, J.)