

(2025:JHHC:18912)

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.944 of 2025

1. Anup Kumar Pandey @ Anup Pandey, son of Mahesh Pandey, aged about 30 years.
2. Mahesh Pandey @ Mahesh Pandit, son of Nandlal Pandey, aged about 63 years.
3. Vicku Saw, son of Indar Saw, aged about 30 years.
4. Shankar Saw, son of Indar Saw, aged about 35 years.
5. Rajendra Pandey @ Rajo Pandey, son of Nandlal Pandey, aged about 55 years.
6. Indar Saw, son of Raghu Saw, aged about 60 years.
7. Sarita Devi, wife of Shankar Saw, aged about 35 years.
8. Anil Saw, son of Bhim Saw aged about 26 years.
9. Kanchan Devi, wife of Bhim Saw, aged about 45 years.
10. Kiswa Devi, wife of Indar Saw, aged about 50 years.

All are resident of Village-Nawadih, P.O. & P.S.-Dhanwar,
District-Giridih (Jharkhand).

... Petitioners

Versus

1. The State of Jharkhand
2. Hemanti Devi, wife of Dwarika Saw, resident of village-Nawadih, P.O. & P.S.-Dhanwar, District-Giridih, Jharkhand.

... Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. Anurag Kashyap, Advocate
For the State : Ms. Priya Shrestha, Spl.P.P.
For the OP 2 : Mr. Ranesh Anand, Advocate

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

Heard the parties.

This criminal miscellaneous petition has been filed by the petitioners with a prayer for restoration of Cr.M.P. No.2761 of 2017 to its original file which stood dismissed for non-prosecution of the order dated 30.07.2024.

It is submitted by the learned counsel for the petitioners that Cr.M.P. No.2761 of 2017 stood dismissed for non-prosecution of the order dated 30.07.2024. It is next submitted that Cr.M.P. No.2761 of 2017 was listed before this Bench on 30.07.2024, the case could not be marked by the advocate's clerk due to which the learned counsel for the petitioners could

not appear in court when the case was called out; which resulted in dismissal of the said Cr.M.P. No.2761 of 2017. It is next submitted that non-prosecution of the said case on 30.07.2024 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.2761 of 2017 and unless the same is restored to its original file, the petitioners will be highly prejudiced. Hence, it is submitted that the Cr.M.P. No.2761 of 2017 be restored to its original file.

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

Learned counsel for the opposite party No.2 vehemently opposes the prayer of the petitioners for restoration of the said Cr.M.P. No.2761 of 2017 and submits that the opposite party No.2 will unnecessarily be harassed if the same is restored to its original file, hence, the opposite party No.2 be compensated adequately.

Considering the aforesaid submission of the learned counsel for the petitioners, Cr.M.P. No.2761 of 2017 is directed to be restored to its original file at the same stage at which it was before its dismissal subject to payment of cost of Rs.5,000/- by the petitioners to the opposite party No.2 through his counsel within a week from the date of this order.

Registry is directed to list Cr.M.P. No.2761 of 2017 before the concerned Bench after a week only if the petitioners file the proof of paying the cost of Rs.5,000/- to the opposite party No.2 through his counsel appearing in the record, within a week from the date of this order; failing which this conditional order shall not be given effect to and Cr.M.P. No.2761 of 2017 shall stand dismissed.

This criminal miscellaneous petition is disposed of accordingly.

(Anil Kumar Choudhary, J.)