

(2025:JHHC:18915)

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.1138 of 2025

Rajendra Singh Parihar @ Rajendra, aged about 35 years, son of
Durjan Singh, resident of 8-A, North, Gandhipath, Near Kiran
Marriage Garden, Panchyawala, P.O. & P.S.-Panchyawala, District-
Jaipur, State-Rajasthan.

... Petitioner

Versus

1. The State of Jharkhand
2. Payal Kumari Agarwal, daughter of Satya Narayan Agarwal,
Resident of Ward No.6, Near Radha Krishna Temple, Seraikella,
P.O. & P.S.-Seraikella, District-Seraikella-Kharsawan.

... Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Vikas Kumar, Advocate
For the State : Mr. Manoj Kumar, GA-III

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 W.P.(Cr). No.34 of 2025 to its
original file; which stood dismissed for non-compliance of peremptory
order dated 23.01.2025.

It is submitted by the learned counsel for the petitioner that
W.P.(Cr). No.34 of 2025 stood dismissed for non-compliance of the order
dated 23.01.2025 for filing requisites for service of notice upon the
opposite party no.2 peremptorily within six weeks. It is next submitted
that due to inadvertent mistake on the part of advocate's clerk; he
miscalculated the deadline for filing requisites, hence, the petitioner could
not file the said requisites within the stipulated time; which resulted in
dismissal of the said W.P.(Cr). No.34 of 2025 for non-compliance vide
order dated 23.01.2025. It is next submitted that non-compliance of the
said order dated 23.01.2025 was neither deliberate nor intentional. It is
also submitted that the petitioner has very good grounds to agitate in the
said W.P.(Cr). No.34 of 2025 and unless the same is restored to its original

file, the petitioner will be highly prejudiced. Hence, it is submitted that the W.P.(Cr). No.34 of 2025 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 petitioner for restoration of the said W.P.(Cr). No.34 of 2025 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 petitioner, W.P.(Cr). No.34 of 2025 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 petitioner to the opposite party No.2 through his counsel within two weeks from the date of this order.

Registry is directed to list W.P.(Cr). No.34 of 2025 before the concerned Bench after two weeks only if the petitioner files the proof of paying the cost of Rs.5,000/- to the opposite party No.2 through his counsel appearing in the record, within two weeks from the date of this order; failing which this conditional order shall not be given effect to and W.P.(Cr). No.34 of 2025 shall stand dismissed.

This criminal miscellaneous petition is disposed of accordingly.

(Anil Kumar Choudhary, J.)