

(2025:JHHC:18913)

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.963 of 2025

Umesh Yadav, aged about 47 years, son of Late Janki Mahto,
Resident of Village-Barhi, Post Office-Barhi, Police Station-Barhi,
District-Hazaribagh.

... Petitioner

Versus

1. The State of Jharkhand
2. Jailal Mahto, son of Late Kishun Mahto, aged about 63 years,
Resident of Village-Bendgi, P.O. and P.S.-Barhi, District-
Hazaribagh.

... Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Nawin Kumar, Advocate
For the State : Mr. Subodh Kr. Dubey, Addl.P.P.
For the OP 2 : Ms. Nanda Kumari, 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.2966 of 2024 to its original file; which stood dismissed for non-compliance of peremptory order dated 14.11.2024.

It is submitted by the learned counsel for the petitioner that Cr.M.P. No.2966 of 2024 stood dismissed for non-compliance of the order dated 14.11.2024 for filing requisites for service of notice upon the opposite party no.2 peremptorily within four weeks. It is next submitted that due to inadvertence on the part of petitioner and the petitioner was under wrong impression that the requisites has been filed by the petitioner, therefore, the petitioner could not file the said requisites within the stipulated time; which resulted in dismissal of the said Cr.M.P. No.2966 of 2024 for non-compliance of the order dated 14.11.2024. It is next submitted that non-compliance of the said order dated 14.11.2024 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.2966 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.2966 of 2024 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 Cr.M.P. No.2966 of 2024 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, Cr.M.P. No.2966 of 2024 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 four weeks from the date of this order.

Registry is directed to list Cr.M.P. No.2966 of 2024 before the concerned Bench after four 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 four weeks from the date of this order; failing which this conditional order shall not be given effect to and Cr.M.P. No.2966 of 2024 shall remain dismissed.

This criminal miscellaneous petition is disposed of accordingly.

(Anil Kumar Choudhary, J.)