

(2025:JHHC:29353)
IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 554 of 2025

Jaya Bharti @ Komal, aged about 29 years, Daughter of Hemant Kumar, Resident of Gardevi Mohalla, P.O. & P.S. -Garhwa, District -Garhwa. Petitioner

Versus

1. The State of Jharkhand
2. Ramji Prasad @ Ramji Prasad Soni, son of Late Moti Sao,
3. Asha Devi, wife of Ramji Prasad @ Ramji Prasad Soni,
4. Rubi Kumari, Daughter of Ramji Prasad @ Ramji Prasad Soni,
5. Rekha Kumari, aged about 37 years, wife of Sagar Soni
All resident of Ramnagar Colony, Chas, P.O. & P.S. -Chas, District -Bokaro. Opp. Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Pankaj Srivastava, Advocate
For the State : Mrs. Nehala Sharmin, Addl. P.P.
For the O.P. Nos.2 to 5 : Ms. Vidhika Saboo, Advocate

Order No.04 Dated- 19.09.2025

Heard the parties.

This criminal miscellaneous petition has been filed at the instance of the petitioner for restoration of Cr.M.P. No. 1131 of 2022 to its original file.

Learned counsel for the petitioners submits that Cr.M.P. No. 1131 of 2022 was dismissed for non-compliance of peremptory order of this Court to deposit Rs.1,000/- with the Jharkhand State Legal Services Authority (JHALSA) within three weeks. It is next submitted that as the Advocate's Clerk of the learned counsel for the petitioner suddenly moved to his native place to serve his ailing mother without handing over the file to the connected person, the said peremptory order could not be complied with within the stipulated time and the same resulted in dismissal of Cr.M.P. No. 1131 of 2022. It is further submitted that the petitioners have very good grounds to agitate in this Cr.M.P. No. 1131 of 2022 and unless Cr.M.P. No. 1131 of 2022 is restored to its original file, the petitioner will be highly prejudiced. Hence, it is submitted that the Cr.M.P. No. 1131 of 2022 be restored to its original file.

Learned counsel for the opposite party no.2 submits that the petitioner is deliberately delaying the matter and harassing the opposite party nos.2 to 5 by lingering the same. Hence, the opposite party nos.2 to 5 be adequately compensated with costs.

Considering the facts of the case and the aforesaid submission of the learned counsel for the petitioners, Cr.M.P. No. 1131 of 2022 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 5 through the learned counsel appearing in the record within two 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 5 through the learned counsel appearing in the record within two weeks, list Cr.M.P. No. 1131 of 2022 under the appropriate heading after a week before the appropriate Bench.

(Anil Kumar Choudhary, J.)

19.09.2025
Sonu/Gunjan-