(2025:JHHC:19017)

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr.M.P. No. 489 of 2024

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1. Rajendra Prasad Sah @ Rajendra Sah, aged about 49 years, son of Late Chhedi Sah, residence of Village Borio, P.O. –Borio, P.S. –Borio, District –Sahibganj.
2. Rita Devi, aged about 42 years, wife of Rajendra Prasad Sah, residence of Village Borio, P.O. –Borio, P.S. –Borio, District –Sahibganj

… Petitioners

Versus

1. The State of Jharkhand
2. Mala Devi, wife of Late Jai Prakash Sah, resident of Village –Borio, Dhobi Tola, P.O. –Borio & P.S. –Borio, District –Sahibganj. … Opposite Parties

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CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. Praveen Kumar, Advocate
For the JUVNL : Mr. Kaushik Sarkhel, Advocate
For the O.P. No.2 : Ms. Saba Ali, Advocate

Order No.07 Dated- 11.07.2025

Heard the parties.

This criminal miscellaneous petition has been filed at the instance of the petitioners for restoration of Cr.M.P. No. 2157 of 2020 to its original file.

Learned counsel for the petitioners submits that Cr.M.P. No. 2157 of 2020 was dismissed for non-compliance of peremptory order of this Court to remove the defects as pointed out by the stamp reporter within two weeks. It is next submitted that due to serious health condition of the conducting counsel, the said peremptory order could not be complied with within the stipulated time and the same resulted in dismissal of Cr.M.P. No. 2157 of 2020. It is further submitted that the petitioners have very good grounds to agitate in this Cr.M.P. No. 2157 of 2020 and unless Cr.M.P. No. 2157 of 2020 is restored to its original file, the petitioners will be highly prejudiced. Hence, it is submitted that the Cr.M.P. No. 2157 of 2020 be restored to its original file.

Learned counsel for the opposite party no.2 submits that the petitioners are deliberately delaying the matter and harassing the opposite party no.2 by lingering the same. Hence, the opposite party no.2 be adequately compensated with costs.

Considering the aforesaid submission of the learned counsel for the petitioners, Cr.M.P. No. 2157 of 2020 be 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 petitioners to the opposite party no.2 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 petitioners file the proof of payment of costs of Rs.5,000/- by the petitioners to the opposite party no.2 through the learned counsel appearing in the record within two weeks, list Cr.M.P. No. 2157 of 2020 under the appropriate heading after a week before the appropriate Bench.

(Anil Kumar Choudhary, J.)

Sonu-Gunjan/