(2025:JHHC:36955)

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.1961 of 2025

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1. Parshuram Upadhayay, aged about 60 years, son of Late Jagrnath Upadhayay, Resident of Village-Checharaiya Khurd, P.O.-Shivpur, P.S.-Majhiaon, District-Garhwa, Jharkhand.
2. Sri Gauri Shankar Bind, aged about 74 years, son of Ramdev Bind @ Rajdeo Bind, resident of village-Nagwa, P.O.-Garhwa, P.S.-Garhwa, District-Garhwa, Jharkhand.

… Petitioners

Versus

1. The State of Jharkhand
2. Smt. Tara Devi, wife of Late Kariman Ram, Resident of village-Deepuwan, P.O. & P.S.-Garhwa, District-Garhwa, Jharkhand.

… Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. Santosh Kr. Tiwari, Advocate
For the State : Mr. Abhay Kr. Tiwari, Addl.P.P.
For the OP 2 : Mr. Chandan Kumar, Advocate

Order No:-03 Dated:-05-12-2025

Heard the parties.

This Criminal Miscellaneous Petition has been filed by the petitioners with the prayer for restoration of Cr.M.P. No.640 of 2025 to its original file which stood dismissed for non-compliance of peremptory order dated 17.04.2025.

It is submitted by the learned counsel for the petitioners that Cr.M.P. No.640 of 2025 stood dismissed for non-compliance of peremptory order dated 17.04.2025 for filing the requisites peremptorily within two weeks. It is next submitted that due to mistake on the part of advocate's clerk, the petitioners could not file the said requisites within the stipulated time; which resulted in dismissal of the said Cr.M.P. No.640 of 2025 for non-compliance of peremptory order dated 17.04.2025. It is next submitted that non-compliance of peremptory order dated 17.04.2025 was neither deliberate nor intentional. It is also submitted that the petitioners have very good grounds to agitate in the said Cr.M.P. No.640 of 2025 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.640 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 petitioners for restoration of the said Cr.M.P. No.640 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 in terms of cost.

Considering the aforesaid submission of the learned counsel for the petitioners, Cr.M.P. No.640 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.6,000/- by the petitioners to the opposite party No.2 through his counsel appearing in the record within two weeks from the date of this order.

Registry is directed to list Cr.M.P. No.640 of 2025 before the concerned Bench after two weeks only if the petitioners file the proof of payment of the cost of Rs.6,000/- 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 Cr.M.P. No.640 of 2025 shall remain dismissed.

This criminal miscellaneous petition is disposed of accordingly.

(Anil Kumar Choudhary, J.)

05/12/2025
Abhiraj/