[2025:JHHC:38192]

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.3029 of 2025

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1. Koushik Das @ Kaushik Das, aged about 35 years son of Barun Das;

2. Barun Das aged about 62 years son of Late Banmali Das;

Both resident of Indraprastha, Ismail, Gurunanak Palli, P.O. Asansol, P.S. Hirapur, District West Burdwan, West Bengal

… Petitioners

Versus

1. The State of Jharkhand

2. Arun Kumar Mohanka son of Late Keshardeo Mohanka, resident of Main Road, Dumka, Dumka Town, P.O. and P.S. Dumka, District Dumka. … Opposite Parties

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CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. Swapan Maji, Advocate
For the State : Mr. Rajesh Kumar, Addl. P.P. (Through V.C.)
For the O.P. No.2 : Mr. Ajay Kr. Sah, Advocate
Mr. Rishav Kumar, Advocate

Order No:-03 Dated:-19-12-2025

Heard the parties.

This criminal miscellaneous petition has been filed by the petitioners with the prayer for restoration of Cr.M.P. No.3085 of 2024 to its original file which stood dismissed for non-compliance of the peremptory order dated 26.06.2025 passed by this Court.

It is submitted by the learned counsel for the petitioners that Cr.M.P. No.3085 of 2024 stood dismissed for non-compliance of the peremptory order dated 26.06.2025 passed by this Court to serve the copy of the I.A. No.3847 of 2025 upon the opposite party No.2 within two weeks from the said order. It is next submitted that due to inadvertence, the said order dated 26.06.2025 passed in Cr.M.P. No.3085 of 2024 could not be complied with within the stipulated time which resulted in dismissal of the said Cr.M.P. No.3085 of 2024 for non-compliance of the said peremptory order dated 26.06.2025 passed by this Court.

It is next submitted that non-compliance of the said peremptory order dated 26.06.2025 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.3085 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.3085 of 2024 be restored to its original file.

Learned Addl.P.P. 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.3085 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 petitioners, Cr.M.P. No.3085 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.10,000/- by the petitioners to the opposite party No.2 through his counsel appearing in the record within four weeks from the date of this order.

Registry is directed to list Cr.M.P. No.3085 of 2024 before the concerned Bench after four weeks only if the petitioners file the proof of payment of the cost of Rs.10,000/- to the opposite party No.2 though 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.3085 of 2024 shall remain dismissed.

This criminal miscellaneous petition is disposed of accordingly.

(Anil Kumar Choudhary, J.)

Dated- 19.12.2025-Animesh/