[2026:JHHC:28993]

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.525 of 2026

David Kujur, age 50 years, S/o Anthony Kujur, R/o Mary Road, Ramkrishna Palli, Pradhan Nagar, Ward No. 45, Siliguri, Darjeeling, P.O. + P.S.- Pradhan Nagar, West Bengal-734003.

.... …. Petitioner

Versus

1. The State of Jharkhand
2. Informant. .... Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Shubhashis Rasik Soren, Advocate
Ms. Shobha G. Lakra, Advocate.
Ms. M.A. Tete, Advocate.
Ms. Preeti Hembrom, Advocate
Ms. S.S. Demta, Advocate.
For the State : Mr. Anup Pawan Topno, Advocate
For the O.P. No.2 : Ms. Rajni Singh, Advocate.

Order No.03 Dated:-25-09-2026

Heard the parties.

This Criminal Miscellaneous Petition has been filed by the petitioner with the prayer for restoration of A.B.A. No. 4939 of 2019 to its original file which stood dismissed for default for non-compliance of the peremptory order dated 15.10.2019.

Learned counsel for the petitioner submits that A.B.A. No. 4939 of 2019 was dismissed for default for non-compliance of the peremptory order dated 15.10.2019. It is next submitted that A.B.A. No. 4939 of 2019 was listed before this Bench on 15.10.2019 in which the petitioner was directed to file supplementary affidavit within six weeks, but the said order was not complied with and resulted in dismissal of A.B.A. No. 4939 of 2019. It is further submitted that non-compliance of the aforesaid order by the learned counsel for the petitioner was neither deliberate nor intentional. It is also submitted that the petitioner has very good grounds to agitate in the said A.B.A. No. 4939 of 2019 and unless the same is restored to its original file, the petitioner will be highly

prejudiced. Hence, it is submitted that the A.B.A. No. 4939 of 2019 be restored to its original file.

Learned counsel for the State has not raised any serious objection to the prayer of the petitioner.

Learned counsel appearing for the opposite party No.2 submits that the petitioner is deliberately delaying the disposal of A.B.A. No. 4939 of 2019. Hence, the opposite party No.2 be compensated adequately.

Considering the aforesaid submission of the learned counsel for the petitioner, the instant Criminal Miscellaneous Petition for restoration of A.B.A. No. 4939 of 2019 is restored; subject to payment of cost of Rs.5,000/- by the petitioner to the opposite party No.2 through the counsel appearing in the record and file the proof of the same within four weeks from the date of this order; failing which, this conditional order shall not be given effect to and this Criminal Miscellaneous Petition shall stand dismissed.

The Registry is directed to list this A.B.A. No. 4939 of 2019 after four weeks if the learned counsel for the petitioner files the proof of the payment of cost of Rs.5,000/- to the opposite party No.2 through the counsel appearing in the record within four weeks from the date of this order.

(Anil Kumar Choudhary, J.)

Dated:- 25.09.2026
Amar/