IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.1920 of 2026

Fatthurrehman @ Fatthurrehman Khan @ Fatthur Rehman Khan @ Fatthur Rehman, Son of Late Abdul Gaffar Khan, aged about 68 year, R/o New Azad Basti, P.O. +P.S+Dist.- Lohardaga, 835302.

… Petitioner

Versus

1. The State of Jharkhand
2. Nehrun Nisha @ Nehrun Bili, aged about – 50 years, W/o – Munema Khan, R/o Chandu, P.S.+P.O- Kuru, Dist- Lohardaga.

… Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Faisal Khan, Advocate
For the State : Mr. Shailendra Kr. Tiwari, Spl.P.P.
For the O.P. No.2 : Mr. Rajesh Kumar, Advocate

Order No:-04 Dated:-30-10-2026

Heard the parties.

This Criminal Miscellaneous Petition has been filed with the prayer for restoration of Cr.M.P. No. 754 of 2023 to its original file which stood dismissed for non-compliance of the peremptory order dated 06.10.2025.

Learned counsel for the petitioner submits that Cr.M.P. No. 754 of 2023 was dismissed for non-compliance of the peremptory order dated 06.10.2025. It is next submitted that the prayer for time was allowed to the petitioner subject to deposit of Rs.1,000/- by the petitioner with the JHALSA within four weeks but inadvertently, the said deposit could not be made within the stipulated time; which resulted in dismissal of Cr.M.P. No. 754 of 2023 for non-compliance of the peremptory order dated 06.10.2025. It is next submitted that non-compliance of the peremptory order dated 06.10.2025 was neither deliberate nor intentional. Now the petitioner has made the said deposit and the copy of which has been kept in brief. It is further submitted that the petitioner

has very good grounds to agitate in the said Cr.M.P. No. 754 of 2023 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. 754 of 2023 be restored to its original file.

Learned counsel appearing for the opposite party No.2 submits that the petitioner is deliberately delaying the disposal of the Cr.M.P. No. 754 of 2023. It is next submitted that the opposite party No.2 will unnecessarily be harassed if Cr.M.P. No. 754 of 2023 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 petitioner, Cr.M.P. No. 754 of 2023 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 petitioner to the opposite No.2 through her counsel appearing in the record and the petitioner is directed to file the proof of the payment of cost of Rs.10,000/- by the petitioner to the opposite No.2 through her 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. 754 of 2023 shall remain dismissed.

The Registry is directed to list Cr.M.P. No. 754 of 2023 after four weeks to its original file before the appropriate Bench if the learned counsel for the petitioner files the proof of the payment of cost of Rs.10,000/- made by the petitioner to the opposite party No.2 through his counsel appearing in the record within four weeks from the date of this order.

This Criminal Miscellaneous Petition is disposed of accordingly.

(Anil Kumar Choudhary, J.)

Dated:-30.10.2026
Saroj/