

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. M.P. No. 3960 of 2019

Md. Junaid Idrisi @ Md. Junaid ... Petitioner
Versus
The State of Jharkhand & Anr. ... Opposite Parties

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Shashi Bhushan Jha, Adv.
For the State : Addl. P.P.
For Opposite Party No. 2 : Mr. Binod Kumar, Adv.

04 / 26.06.2020

Heard the parties through Video Conferencing.

This criminal miscellaneous petition has been filed at the instance of the petitioners for restoration of A.B.A. No. 2354 of 2019 to its original file.

Learned counsel for the petitioners submits that the A.B.A. No. 2354 of 2019 was dismissed as the petitioner could not remove the defect within the stipulated time. It is then submitted that the petitioner has very good grounds to agitate in the anticipatory bail application and unless the same is restored to its original file, the petitioner will be highly prejudiced. Hence, it is submitted the A.B.A. No. 2354 of 2019 be restored to its original file.

Learned counsel for the opposite party vehemently opposes the prayer for restoration of A.B.A. No. 2354 of 2019 and submits that the petitioner is deliberately delaying the matter only to harass the opposite party no. 2, who is the wife of the petitioner, hence, the opposite party no. 2 be compensated by way of cost.

Considering the aforesaid submission of the learned counsel for the petitioners, A.B.A. No. 2354 of 2019 is directed to be restored to its original file subject to payment of cost of Rs. 2,000/- by the petitioner to the opposite party no. 2 through his 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 petitioner files the proof of payment of Rs. 2,000/- to the opposite party no. 2 through learned counsel for the opposite party no. 2 appearing in the record, then A.B.A. No. 2354 of 2019 be restored to its original file and A.B.A. No. 2354 of 2019 be listed before an appropriate Bench within a week of the said payment.

This criminal miscellaneous petition is disposed of accordingly.

(ANIL KUMAR CHOUDHARY, J.)

Smita/-