

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. M.P. No.1837 of 2021

Deep Narayan Bhagat @ Deep Narayan Kumar

... Petitioner

Versus

The State of Jharkhand

...

Opposite Party

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Sanjay Kr. Pandey 2, Advocate

For the State : Mr. Abhay Kr. Tiwari, Addl. P.P.

Order No.02 Dated- 03.09.2021

Heard the parties through video conferencing.

This criminal miscellaneous petition has been filed by the petitioner with a prayer for restoration of A.B.A. No.1205 of 2021 to its original file which stood dismissed for non-compliance of the peremptory order dated 22.03.2021.

It is submitted by the learned counsel for the petitioner that A.B.A. No.1205 of 2021 stood dismissed for non-compliance of the peremptory order dated 22.03.2021 for filing the supplementary affidavit. Learned counsel for the petitioner submits that as the *Pairvikar* of the petitioner could not come to the court to swear affidavit due to COVID-19 pandemic, hence, the said supplementary affidavit could not be filed within the stipulated time which resulted in dismissal of the said A.B.A. No.1205 of 2021. Learned counsel for the petitioner undertakes to file the said supplementary affidavit which was ordered vide order dated 22.03.2021 passed in A.B.A. No.1205 of 2021. It is also submitted that the laches on the part of the petitioner were neither deliberate nor intentional. It is next submitted that the petitioner has very good grounds to agitate in the said A.B.A. No.1205 of 2021 and unless A.B.A. No.1205 of 2021 is restored to its original file the petitioner will be highly prejudiced. Hence, it is submitted that the A.B.A. No.1205 of 2021 be restored to its original file.

Learned Addl.P.P. appearing for the State has not raised any serious objection.

Considering the aforesaid submission of the learned counsel for the petitioner, A.B.A. No.1205 of 2021 is directed to be restored to its original file.

Registry is directed to list A.B.A. No.1205 of 2021 before the concerned Bench after a week at the same stage at which it was before its dismissal.

This criminal miscellaneous petition is disposed of accordingly.

(Anil Kumar Choudhary, J.)