

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.2769 of 2020

1. Ranglata Devi				
2. Parasnath Mahto	Petitioners
Versus				
1. The State of Jharkhand				
2. Resham Devi	Opposite Parties

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners	:	Mr. Rahul Pandey, Advocate
For the State	:	Md. Hatim, Addl.P.P
For the O.P. No.2	:	Mr. Pandey Ashok Nath Roy, Adv.

Order No.06 Dated- 17.04.2021

Heard the parties through video conferencing.

This criminal miscellaneous petition has been filed under Section 482 of Code of Criminal Procedure by the petitioner with a prayer for restoration of A.B.A. No.3597 of 2020 to its original file which stood dismissed for non-compliance of the peremptory order dated 14.09.2020.

It is submitted by the learned counsel for the petitioners that A.B.A. No.3597 of 2020 stood dismissed for non-compliance of the peremptory order dated 14.09.2020 passed by this Court regarding filing requisites for service of notice. It is submitted that the learned counsel for the petitioners gave instructions to his clerk to file requisites but due to laches on the part of the advocate's clerk, the same could not be filed within stipulated time resulting in dismissal of A.B.A. No.3597 of 2020. It is further submitted that the laches on part of the petitioners were neither deliberate nor intentional. It is then submitted that the petitioners have very good grounds to agitate in the A.B.A. No.3597 of 2020 and unless A.B.A. No.3597 of 2020 is restored to its original file, the petitioners will be highly prejudiced. Hence, it is submitted that A.B.A. No.3597 of 2020 be restored to its original file.

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

Considering the aforesaid facts, A.B.A. No.3597 of 2020 is directed to be restored to its original file subject to payment of cost of Rs.50,000/ by the petitioners to the opposite party no.2 through his counsel appearing in the record within two months from today, failing which, this conditional order

shall not be given effect to and this instant Cr.M.P. shall stand dismissed without further reference to the Bench.

In case the petitioners pay the cost of Rs.50,000/- to the opposite party no.2 within two months from today then Registry is directed to list A.B.A. No.3597 of 2020 before the concerned Bench after a week.

This criminal miscellaneous petition is disposed of accordingly.

(Anil Kumar Choudhary, J.)

Pappu/