

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr.M.P. No.2720 of 2024

1. Santosh Giri aged about-39 years S/o Naresh Giri R/o Thegta, Benipur, P.O. + P.S.-Darbhanga Sadar, District-Darbhanga, Bihar.
2. Abhishek Kumar Singh aged about-37 years, S/o Vijay Kumar Singh, R/o Nawaka Tola, P.O. + P.S.-Khawashpur, District-Bhojpur, Bihar.

... Petitioners

Versus

1. The State of Jharkhand
2. Renu Sah W/o Madheshwar Sah R/o No.2 Town, Redma, P.O. + P.S.-Medninagar, District-Palamau, Jharkhand-822101.
3. Babita Saw W/o Murari Saw, R/o Village-Matpurhi, P.O. + P.S.- Tarhasi, District-Palamau, Jharkhand-822118.

... Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. Anup Kr. Agarwal, Advocate
For the State : Mr. Sanat Kr. Jha, Addl.P.P.

Order No:-04 Dated:-31-01-2025

Heard the parties.

This Criminal Miscellaneous Petition has been filed by the petitioners with a prayer for restoration of Cr.M.P. No.2026 of 2024 to its original file which stood dismissed for non-prosecution vide order dated 09.08.2024.

It is submitted by the learned counsel for the petitioners that Cr.M.P. No. 2026 of 2024 stood dismissed for non-prosecution vide order dated 09.08.2024. It is next submitted that Cr.M.P. No. 2026 of 2024 was listed before this Bench on 09.08.2024 and the learned counsel for the petitioners missed to mark the list, hence, the learned counsel for the petitioners could not turn up when Cr.M.P. No. 2026 of 2024 was called out; which resulted in dismissal of the said Cr.M.P. No. 2026 of 2024 for non-prosecution vide order dated 09.08.2024. It is next submitted that non-prosecution before this court on 09.08.2024 was neither deliberate nor intentional. It is also submitted that the petitioners have very good grounds to agitate in the said Cr.M.P. No. 2026 of 2024 and unless the same is restored to its original file,

the petitioners will be highly prejudiced. Hence, it is submitted that the Cr.M.P. No. 2026 of 2024 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 petitioners, Cr.M.P. No. 2026 of 2024 is directed to be restored to its original file at the same stage at which it was before its dismissal.

Registry is directed to list Cr.M.P. No.2026 of 2024 before the concerned Bench after a week.

This Criminal Miscellaneous Petition is disposed of accordingly.

(Anil Kumar Choudhary, J.)

Abhiraj/