

(2021) 04 JH CK 0100

In the Jharkhand High Court

Case No : Criminal Miscellaneous Petition No. 664 Of 2021

Anshu Mishra

APPELLANT

Vs

State Of Jharkhand And Anr

RESPONDENT

Date of Decision : 09-04-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Citation : (2021) 04 JH CK 0100

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Ajit Kumar, V.N. Jha

Final Decision : Disposed Of

Judgement

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.4310 of 2017 to its original file which stood dismissed for non- compliance of the peremptory order dated 05.10.2017.

It is submitted by the learned senior counsel for the petitioner that A.B.A. No. 4310 of 2017 stood dismissed for non-compliance of the peremptory order dated 05.10.2017 passed by this Court. It is submitted that therein the petitioner prayed for time to file supplementary affidavit after taking instruction as to whether the petitioner is ready and willing to complete the road to the extent for which money has been paid to him or to deposit the amount which has been taken by him. It is next submitted that the petitioner has completed the work on the basis of statement made in the F.I.R. as per his own assessment and no specific defects pointed out by the competent authority even till completion of the defects liability period of the contract, and the petitioner undertakes to submit such affidavit after serving a copy upon the learned Addl.P.P for the State. It is then submitted that the petitioner has very good grounds to agitate in

the A.B.A. No.4310 of 2017 and unless A.B.A. No.4310 of 2017 is restored to its original file, the petitioner will be highly prejudiced. Hence, it is submitted that A.B.A. No. 4310 of 2017 be restored to its original file.

Learned Addl.P.P appearing for the State opposes and submits that he represents the opposite party no.2 as well and he will file counter affidavit on behalf of the opposite party no.2, within 2 weeks.

Considering the aforesaid facts, A.B.A. No. A.B.A. No.4310 of 2017 is restored to its original file. List of after two weeks. In the meanwhile the petitioner is directed to file concerned affidavit and the opposite party no.2 is directed to file a counter affidavit in the said anticipatory bail application.

This criminal miscellaneous petition is disposed of accordingly.