IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.780 of 2026

Rabindra Charan Dwary @ Ravicharan Dwary, S/o Late Shiwani Charan Dwary, aged about 46 years, Resident of Laxmipur Chowk, Water Tank, P.O. B. Deoghar, P.S. Deoghar Town, Dist- Deogher

… Petitioner

Versus

1. The State of Jharkhand
2. Kiran Mishra, W/o Rabindra Charan Dwary, D/o Shib Shankar Mishra, aged about 31 years, R/o Lakshmipur Chowk, Presently Reside at Shiv Ganga Lane, P.O B. Deoghar, P.S. Deoghar Town, Dist- Deoghar.

… Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Lakhan Chandra Roy, Advocate
For the State : Mr. Rajneesh Vardhan, Addl.P.P.
For the O.P. No.2 : None

Order No:-03 Dated:-11-09-2026

Heard the parties.

Though notice has been validly served upon the opposite party No.2 yet no one turns up on behalf of the opposite party No.2 in spite of repeated calls.

This Criminal Miscellaneous Petition has been filed by the petitioner with the prayer for restoration of Cr.M.P. No. 3193 of 2023 to its original file which stood dismissed for non-prosecution vide order dated 04.12.2025.

Learned counsel for the petitioner submits that Cr.M.P. No. 3193 of 2023 was dismissed for non-prosecution vide order dated 04.12.2025. It is next submitted that Cr.M.P. No. 3193 of 2023 was listed before this Bench on 04.12.2025 but no one turned up on behalf of the petitioner in

spite of repeated calls when Cr.M.P. No. 3193 of 2023 was called out as the name of the conducting counsel was not appearing in the cause list, hence, the said case could not be marked and the counsel could not appear before the Court; which resulted in dismissal for non-prosecution vide order dated 04.12.2025. It is further submitted that non-appearance of the learned counsel for the petitioner before this Court was neither deliberate nor intentional. It is also submitted that the petitioner has very good grounds to agitate in the said Cr.M.P. No. 3193 of 2023 and unless the same is restored to its original file, the petitioner will be highly prejudiced. Hence, it is submitted that the Cr.M.P. No. 3193 of 2023 be restored to its original file.

Learned counsel for the State has not raised any serious objection to the prayer of the petitioner.

Considering the aforesaid submission of the learned counsel for the petitioner, Cr.M.P. No. 3193 of 2023 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. 3193 of 2023 before the appropriate Bench after a week.

This Criminal Miscellaneous Petition is disposed of accordingly.

(Anil Kumar Choudhary, J.)

Dated:- 11.09.2026
Saroj/