[2026:JHHC:28347]

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.792 of 2026

Ashish Kumar Tiwari @ Ashish Kumar, aged about 34 years, son of Murari Tiwari, resident of Village- Bakoiya, P.O., P.S.- Mjhiaon & Dist.- Garhwa, Jharkhand … Petitioner

Versus

1. The State of Jharkhand

2. Ranju Kumari, aged about 25 years, daughter of late Ashok Dubey, resident + P.O. + P.S.- Purvadiha, Dist.- Palamu, Jharkhand

… Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Akash Deep, Advocate
For the State : Ms. Vandana Bharti, Addl. P.P.
For the O.P. No.2 : Mr. Anurag Kashyap, Advocate
Ms. Komal S. Narayan, Advocate

Order No:-03 Dated:-18-09-2026

Heard the parties.

This criminal miscellaneous petition has been filed by the petitioner with the prayer for restoration of Cr.M.P. No.209 of 2024 to its original file which stood dismissed for non-prosecution on 27.02.2026 by this Court.

It is submitted by the learned counsel for the petitioner that Cr.M.P. No.209 of 2024 stood dismissed for non-prosecution on 27.02.2026 by this Court. It is next submitted that as the counsel for the petitioner could not mark the list, hence, no one appeared before this Court when the said Cr.M.P. No.209 of 2024 was called out resulting in dismissal of the said Cr.M.P. No.209 of 2024 for non-prosecution. It is next submitted that non-prosecution before this Court on 27.02.2026 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.209 of 2024 and unless the same is restored to its

original file, the petitioner will be highly prejudiced. Hence, it is submitted that Cr.M.P. No.209 of 2024 be restored to its original file.

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

Learned counsel for the opposite party No.2 vehemently opposes the prayer of the petitioner for restoration of the said Cr.M.P. No.209 of 2024 and submits that the opposite party No.2 will unnecessarily be harassed if the same is restored to its original file, hence, the opposite party No.2 be compensated adequately.

Considering the facts of this case and the aforesaid submission of the learned counsel for the petitioner, Cr.M.P. No.209 of 2024 is directed to be restored to its original file at the same stage at which it was before its dismissal subject to payment of cost of Rs.10,000/- by the petitioner to the opposite party No.2 through his counsel appearing in the record within four weeks from the date of this order.

Registry is directed to list Cr.M.P. No.209 of 2024 before the concerned Bench after four weeks only if the petitioner files the proof of payment of the cost of Rs.10,000/- to the opposite party No.2 though his counsel appearing in the record within four weeks from the date of this order failing which this conditional order shall not be given effect to and Cr.M.P. No.209 of 2024 shall remain dismissed.

This criminal miscellaneous petition is disposed of accordingly.

(Anil Kumar Choudhary, J.)

Dated-18.09.2026-Animesh/