IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.1548 of 2026

Ram Kishor Choudhary, aged about 45 years, son of Late Sheetal Mahtha, Bariyardih, Basodih, P.O. Bansudih, P.S. Satgawan, Dist: Koderma, Jharkhand - 825132

… Petitioner

Versus

1. The State of Jharkhand
2. Dheeraj Ravidas, son of Late Mishri Ravidas, Resident of Sakin Marchoi, Kathara, P.O. – Marchoi, P.S. – Satgawan, District – Koderma, Jharkhand – 825132

… Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Kumar Nitish, Advocate
For the State : Mr. Sunil Kr. Dubey, Addl.P.P. [through VC]
For the OP No.2 : Mr. Priyanshu Nilesh, Advocate

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

Heard the parties.

This Criminal Miscellaneous Petition has been filed with the prayer for restoration of Cr.M.P. No.1329 of 2026 to its original file which stood dismissed for non-prosecution vide order dated 05.05.2026.

Learned counsel for the petitioner submits that Cr.M.P. No.1329 of 2026 was dismissed for non-prosecution vide order dated 05.05.2026. It is next submitted that due to unavoidable and unforeseen circumstances, the case could not be marked in the cause list, hence, no one turned up on behalf of the petitioner in spite of repeated calls, when the said Criminal Miscellaneous Petition was called out; which resulted in dismissal of Cr.M.P. No.1329 of 2026 for non-prosecution vide order dated 05.05.2026. It is next submitted that non-appearance of the petitioner before this Court was neither deliberate nor intentional. It is further submitted that the petitioner has very good grounds to agitate in

the said Cr.M.P. No.1329 of 2026 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.1329 of 2026 be restored to its original file.

Learned counsel appearing for the opposite party No.2 submits that the petitioner is deliberately delaying the disposal of the Cr.M.P. No.1329 of 2026. It is next submitted 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 aforesaid submissions of the learned counsels, Cr.M.P. No.1329 of 2026 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.5,000/- to be made by the petitioner to the opposite party No.2 through the counsel appearing in the record and the petitioner is directed to file the proof of the same 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.1329 of 2026 shall remain dismissed.

The Registry is directed to list Cr.M.P. No.1329 of 2026 after four weeks to its original file before the appropriate Bench if the learned counsel for the petitioner files the proof of the payment of cost of Rs.5,000/- made by the petitioner to the opposite party No.2 through the counsel appearing in the record within four weeks from the date of this order.

This Criminal Miscellaneous Petition is disposed of accordingly.

(Anil Kumar Choudhary, J.)

Dated:- 11.09.2026
Saroj/