[2026:JHHC:32746]

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.2561 of 2026

Kamlesh Tiwari, aged about 45 years, Son of Late Nanku Tiwari @ Late Raj Kumar Tiwari, Resident of Village- Badakagawn, P.O.- Rajwadih, P.S.- Medaninagar, District- Palamau, Jharkhand

… Petitioner

Versus

1. The State of Jharkhand

2. Prabhu Dayal Gupta S/o of Late Baidnath Prasad Gupta, Resident of Belwatikar, Near Sikh Gurudwara, P.O.- Head Post Office, P.S.- Towan, Dist.- Palamu … Opposite Parties

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CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Ranjan Prasad Sinha, Advocate
For the State : Ms. Kumari Rashmi, Addl. P.P.
For the O.P. No.2 : Ms. Aulia Begum, Advocate

Order No:-03 Dated:-06-11-2026

Heard the parties.

This criminal miscellaneous petition has been filed by the petitioner with the prayer for restoration of Cr.M.P. No.3032 of 2023 to its original file which stood dismissed for non-compliance of the peremptory order dated 01.12.2025 passed by this Court.

It is submitted by the learned counsel for the petitioner that Cr.M.P. No.3032 of 2023 stood dismissed for non-compliance of the peremptory order dated 01.12.2025 passed by this Court to file a consolidated Cr.M.P incorporating the proposed amendments allowed vide order dated 01.12.2025 passed in that case. It is next submitted that due to inadvertence, the said consolidated Cr.M.P. could not be filed within the stipulated time, hence, the same resulted in dismissal of the said Cr.M.P. No.3032 of 2023 for non-compliance of the said peremptory order dated 01.12.2025 passed by this Court. It is next submitted that non-compliance of the said

peremptory order dated 01.12.2025 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.3032 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.3032 of 2023 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.3032 of 2023 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 aforesaid submission of the learned counsel for the petitioner, Cr.M.P. No.3032 of 2023 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.3032 of 2023 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.3032 of 2023 shall remain dismissed.

This criminal miscellaneous petition is disposed of accordingly.

(Anil Kumar Choudhary, J.)

Dated-06.11.2026-Animesh/