

(2025:JHHC:29099)

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.460 of 2025

Rakesh Mishra, aged about 45 years, s/o Chandrasekhar Mishra,
R/o Block 18, M.C.D. Flat, Flat No.347, Rohini Sector 20, P.O. & P.S.-
Rohini, Dist.-New Delhi.

... Petitioner

Versus

1. The State of Jharkhand
2. Khusboo Kumari @ Khusboo Mishra @ Devi, W/o Rakesh Mishra, D/o Sudhir Mishra, R/o Qtr. No.1066 Sector 1/C Bokaro Steel City, P.O. & P.S.-Bokaro Steel City, District-Bokaro, Jharkhand at present Mishra Side Jainamore, P.O.-Jena, P.S.-Jaridih, District-Bokaro.

... Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner	: Ms. Shabina Perween, Advocate
For the State	: Mr. V.K. Vashistha, Spl.P.P.

Order No:-03 Dated:-19-09-2025

Heard the parties.

This Criminal Miscellaneous Petition has been filed by the petitioner with the prayer for restoration of Cr.M.P. No.494 of 2023 to its original file which stood dismissed for non-compliance of peremptory order dated 05.09.2023.

It is submitted by the learned counsel for the petitioner that Cr.M.P. No.494 of 2023 stood dismissed for non-compliance of peremptory order dated 05.09.2023 for filing the requisites within two weeks. It is next submitted that due to lack of communication from the counsel, the petitioner has no knowledge about the issuance of notice to the opposite party no.2, hence, the said requisites could not be filed within the stipulated time; which resulted in dismissal of the said Cr.M.P. No.494 of 2023 for non-compliance of peremptory order dated 05.09.2023. It is next submitted that non-compliance of peremptory order dated 05.09.2023 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.494 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.494 of 2023 be restored to its original file.

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

Considering the aforesaid submission of the learned counsel for the petitioner and the facts of this case, Cr.M.P. No.494 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.494 of 2023 before the concerned Bench after a week.

This Criminal Miscellaneous Petition is disposed of accordingly.

(Anil Kumar Choudhary, J.)