

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.3576 of 2025

Sain Toppo aged about 61 years son of Late Sukra Oraon,
resident of House No. 37, Sindwar Toli, Near Jatra Tand,
Morabadi, P.O. and P.S. Bariatu, District Ranchi (Jharkhand)

... Petitioner

Versus

1. The State of Jharkhand
2. Prabha Topno wife of Late Pawan Topno, resident of
Sindwar Toli, Morabadi, P.O. and P.S. Bariatu, District
Ranchi (Jharkhand)

... Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. P.K. Mukhopadhyay, Advocate
For the State : Mrs. Vandana Bharti, Addl.P.P.
For the O.P. No.2 : Mrs. Jasvinder Mazumdar, Advocate
Mr. Naveen Kumar, Advocate

Order No:-04 Dated:-08-05-2026

Heard the parties.

This Criminal Miscellaneous Petition has been filed with the prayer for restoration of Cr.M.P. No.1355 of 2023 to its original file which stood dismissed for non-prosecution vide order dated 19.11.2025.

Learned counsel for the petitioner submits that Cr.M.P. No.1355 of 2023 was dismissed for non-prosecution vide order dated 19.11.2025. It is next submitted that Cr.M.P. No.1355 of 2023 was listed before this Court on 19.11.2025 but the learned counsel for the petitioner could not appear before this Court when Cr.M.P. No.1355 of 2023 was called out for hearing as the counsel could not mark the case in the cause list; which resulted in dismissal of Cr.M.P. No.1355 of 2023 for non-prosecution. It is next submitted that non-appearance of the learned counsel for the petitioner in the said Criminal Miscellaneous Petition 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.1355 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.1355 of 2023 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.1355 of 2023. 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 submission of the learned counsel for the petitioner, Cr.M.P. No.1355 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 No.2 through the counsel appearing in the record and the petitioner is directed to file the proof of the payment of cost of Rs.10,000/- by the petitioner to the opposite No.2 through the counsel appearing in the record within two weeks from the date of this order; failing which, this conditional order shall not be given effect to and Cr.M.P. No.1355 of 2023 shall remain dismissed.

The Registry is directed to list Cr.M.P. No.1355 of 2023 after two 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.10,000/- by the petitioner to the opposite party No.2 through the counsel appearing in the record within two weeks from the date of this order.

This Criminal Miscellaneous Petition is disposed of accordingly.

(Anil Kumar Choudhary, J.)