

(2026:JHHC:12173)

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.3781 of 2025

Anjani Mistri, aged about 57 years, S/o Tipan Mistri, R/o Panchayat Nawadih, Block-Sariya, Gram-Sakhuadih, P.O.-Sabalpur, P.S.-Sariya, Sabalpur, Dist.-Giridih, Jharkhand-825320.

... Petitioner

Versus

1. The State of Jharkhand
2. Fulchand Mistri, S/o Late Manik Badhaye, R/o Panchayat Nawadih, Block-Sariya, Gram-Sakhuadih, P.O.-Sabalpur, P.S.-Sariya, Sabalpur, Dist.-Giridih, Jharkhand-825320.
3. Luxman Mistri, S/o Baldeo Mistri, R/o Panchayat Nawadih, Block-Sariya, Gram-Sakhuadih, P.O.-Sabalpur, P.S.-Sariya, Sabalpur, Dist.-Giridih, Jharkhand-825320.
4. Mahendra Mistri, S/o Baldeo Mistri, R/o Panchayat Nawadih, Block-Sariya, Gram-Sakhuadih, P.O.-Sabalpur, P.S.-Sariya, Sabalpur, Dist.-Giridih, Jharkhand-825320.
5. Govind Mistri, S/o Fulchand Mistri, R/o Panchayat Nawadih, Block-Sariya, Gram-Sakhuadih, P.O.-Sabalpur, P.S.-Sariya, Sabalpur, Dist.-Giridih, Jharkhand-825320.

... Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Akash Kr. Lal, Advocate
For the State : Mr. Shiv Shankar Kr. Addl.P.P.
For the OP 2 : Mr. Anil Kr. Sinha, Advocate

Order No:-03 Dated:-24-04-2026

Heard the parties.

Though, notice has validly been served upon the opposite party no.3 to 5, yet no one turns up on behalf of the opposite party no.3 to 5.

This Criminal Miscellaneous Petition has been filed by the petitioner with the prayer for restoration of Cr.M.P. No.3350 of 2023 to its original file which stood dismissed for non-compliance of peremptory order dated 04.09.2025.

It is submitted by the learned counsel for the petitioner that Cr.M.P. No.3350 of 2023 stood dismissed for non-compliance of peremptory order dated 04.09.2025 for filing the requisites peremptorily within two weeks. It is next submitted that due to inadvertence, the

petitioner could not file the said requisites within the stipulated time; which resulted in dismissal of the said Cr.M.P. No.3350 of 2023 for non-compliance of peremptory order dated 04.09.2025. It is next submitted that non-compliance of peremptory order dated 04.09.2025 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.3350 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.3350 of 2023 be restored to its original file.

Learned counsel 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.3350 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.3350 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.5,000/- by the petitioner to the opposite party No.2 through his counsel appearing in the record within two weeks from the date of this order.

Registry is directed to list Cr.M.P. No.3350 of 2023 before the concerned Bench after two weeks only if the petitioner files the proof of payment of the cost of Rs.5,000/- to the opposite party No.2 through his 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.3350 of 2023 shall stand dismissed.

This criminal miscellaneous petition is disposed of accordingly.

(Anil Kumar Choudhary, J.)