(2026:JHHC:19557)

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr.M.P. No. 500 of 2026

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1. Awadhesh Pandey @ Avdhesh Pandey, aged about 60 years, S/o Late Mathura Pandey, R/o Pal Tola, Villlage –Sudna, P.O.+P.S. –Daltonganj, District –Palamau.
2. Mithlesh Pandey @ Mithilesh Pandey, aged about 48 years, S/o Late Mathura Pandey, R/o Pal Tola, Village –Sudna, P.O.+P.S. –Daltonganj, District –Palamau.
3. Nitish Kumar Pandey @ Nitish Pandey, aged about 35 years, S/o Awadhesh Pandey, R/s House No. 41, Koeri Tola, Village+P.O. –Sudna, P.S. –Medininagar, District –Palamau.
4. Mahima Nand Pandey, aged about 67 years, S/o Late Ram Kishor Pandey, R/o Gayatri Mandir Road, Near Sambhu Get Gril, Village+P.O. –Sudna, P.S. –Daltonganj, District –Palamau.
5. Aman Pandey, aged about 26 years, S/o Awadhesh Pandey, R/o Pal Tola, Village –Sudna, P.O.+P.S. –Daltonganj, District –Palamau.
6. Gyan Ranjan Pandey, aged about 45 years, S/o Bishwanath Pandey, R/o Pipal Chowk, Village –Sudna, P.O.+P.S. -Daltonganj, District –Palamau.

.... …. Petitioners

Versus

1. The State of Jharkhand
2. Randhir Kumar Pathak, S/o Baijnath Pathak, present and permanent resident of P.O. & P.S. –Sudna, Daltonganj, District –Palamau (Jharkhand). .... Opp. Parties

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CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. Anurag Kashyap, Advocate
For the State : Mr. Shailesh Kr. Sinha, Addl. P.P.
For the O.P. No.2 : Mr. Sheo Kr. Singh, Advocate

Order No.03 Dated- 03.07.2026

Heard the parties.

This criminal miscellaneous petition has been filed at the instance of the petitioners for restoration of Cr.M.P. No. 3138 of 2023 to its original file.

Learned counsel for the petitioners submits that Cr.M.P. No. 3138 of 2023 was dismissed for non-compliance of the peremptory order of this Court dated 19.11.2025, passed in the said Cr.M.P. No. 3138 of 2023. It is next submitted that as the advocate's clerk was

facing some medical emergency in his family therefore, the said order dated 19.11.2025 could not be complied within the stipulated time, resulting in dismissal of the said Cr.M.P. No. 3138 of 2023. It is next submitted that non-compliance of the said order dated 19.11.2025 was neither deliberate nor intentional. It is further submitted that the petitioners have very good grounds to agitate in the said Cr.M.P. No. 3138 of 2023 and unless Cr.M.P. No. 3138 of 2023 is restored to its original file, the petitioners will be highly prejudiced. Hence, it is submitted that the Cr.M.P. No. 3138 of 2023 be restored to its original file.

Learned counsel for the opposite party no.2 submits that the petitioners are deliberately delaying the matter and harassing the opposite party no.2 by lingering the same. Hence, the opposite party no.2 be adequately compensated with costs.

Considering the aforesaid submission of the learned counsel for the petitioners, Cr.M.P. No. 3138 of 2023 is restored to its original file to the stage at which, it was before its dismissal subject to payment of costs of Rs.10,000/- by the petitioners to the opposite party no.2 through the learned counsel appearing in the record within four weeks, failing which, this conditional order shall not be given effect to and this criminal miscellaneous petition shall stand dismissed without further reference to the Bench.

In case, the petitioners file the proof of payment of costs of Rs.10,000/- by the petitioners to the opposite party no.2 through the learned counsel appearing in the record within four weeks, list Cr.M.P. No. 3138 of 2023 under the appropriate heading after a week before the appropriate Bench.

(Anil Kumar Choudhary, J.)

03.07.2026
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