

(2025:JHHC:18920)

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.801 of 2025

Rajeshwar Prasad, aged about 46 years, S/o Subba Prasad, R/o Akash Bhawan, Krishnapuri, Kamala Bhawan, Chutia, P.O. -Ranchi G.P.O., P.S.-Chutia, District-Ranchi, Jharkhand 834001.

... Petitioner

Versus

1. The State of Jharkhand
2. Saroj Kumar Suman, S/o Brajendra Bhagat, R/o Adarsh Colony, P.O. & P.S.-Chas, District-Bokaro, Jharkhand.

... Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Baibhaw Gahlaut, Advocate
For the State : Mr. Manoj Kr. Mishra, Addl.P.P.

Order No:-03 Dated:-11-07-2025

Heard the parties.

Though, notice has validly been served upon the opposite party no.2, but no one turns up on behalf of the opposite party no.2 in spite of repeated calls.

Learned counsel for the petitioner submits that the Cr.M.P. has been filed with a prayer to modify the order dated 21.04.2011 passed in B.A. No.1748 of 2011 to the extent that Rs.3,00,000/- deposited by the convict Saroj Kumar Suman pursuant to the said order to be released in favour of the petitioner.

Learned counsel for the petitioner by drawing attention of this Court to the "later on" orders dated 07.05.2011, 24.01.2013 and 17.06.2013 in G.R. Case No.92 of 2011 of the Court of CJM, Bokaro submits that on the said three dates, the petitioner has deposited Rs.1 lakh each i.e. in total Rs.3 lakhs in connection with the said case.

Learned counsel for the petitioner further draws attention of this Court to the judgment of learned Chief Judicial Magistrate, Bokaro dated 06.05.2023 in G.R. Case No.92 of 2011 in which the accused Saroj Kumar Suman has been convicted for the offence punishable under Section 420 of the Indian Penal Code and held that the said accused has cheated the

petitioner of Rs.15 lakhs but the convict was absconding. It is next submitted that the said in total Rupees three lakhs deposited by the petitioner on three different dates in connection with G.R. Case No.92 of 2011 be released in favour of the petitioner.

Having heard the submissions made at the bar and after carefully going through the materials available in the record, since, the undisputed fact remains that the petitioner has been cheated by the accused of the case namely Saroj Kumar Suman for which he has already been convicted. Therefore, this Court is of the considered view that this is a fit case where the said total amount of Rupees three lakhs deposited in three instalments of Rupees one lakh each, as mentioned in the foregoing paragraph of this order be released in favour of the petitioner.

Accordingly, the petitioner is directed to file a formal petition for release of Rupees three lakhs in the Court of learned Chief Judicial Magistrate, Bokaro and in case, the petitioner will file the same, the learned Chief Judicial Magistrate, Bokaro is directed to pass necessary order to the Nazarat of the Civil Court, Bokaro to release the payment of the said Rupees three lakhs in favour of the petitioner.

Accordingly, this Cr.M.P. is allowed to the aforesaid extent.

(Anil Kumar Choudhary, J.)