

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 3832 of 2025 (Filing No.)

Kundan Kumar Singh @ Kundan Kumar @ Kundan Kr. Singh
... .. **Petitioner**

Versus

1. The State of Jharkhand
2. Khusbu Singh **Opposite Parties**

CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Petitioner : Mr. Shekhar Prasad Gupta, Adv.
For the State : A.P.P.

I.A. No. 550 of 2026

09/15.04.2026 Heard Mr. Shekhar Prasad Gupta, learned counsel
for the petitioner and learned A.P.P. for the State.

This interlocutory application has been preferred
by the petitioner seeking exemption to surrender before the
learned Trial Court in connection with Chatra Sadar P.S.
Case No. 126 of 2018.

The petitioner was convicted for the offence u/s
498 (A) of the IPC and was sentenced to undergo R.I. for two
years along with a fine of Rs. 5000/- in connection with
Chatra Sadar P.S. Case No. 126 of 2018 by the learned Chief
Judicial Magistrate, Chatra. The petitioner had preferred an
appeal before the learned Session Judge, Chatra in Criminal
Appeal No. 17/2024 which however was dismissed on
09.01.2025 thus prompting the petitioner to prefer the
present revision application.

It has been submitted by the learned counsel for
the petitioner that the petitioner is an employee in the Para
Military Force and is posted in a naxal infested area in the
State of Chhattisgarh. It has been submitted that the
petitioner is not getting any leave to come and surrender
before the learned trial court. Learned counsel submits that
the same is an exceptional circumstance and it does not fetter
the inherent power of the High Court to grant exemption in
terms of Rule 159 of the Jharkhand High Court Rules. In
such context, reference has been made to the case of "*Vivek*

Rai and Another Vs. High Court of Jharkhand through Registrar General and Others” reported in (2015) 12 SCC 86.

The only ground which has been taken by the learned counsel for the petitioner for his exemption to surrender is his posting in a naxal infested area in the Para Military Force and that his leave is not being sanctioned. The same cannot be termed to be an exceptional circumstance so as to invoke the inherent powers of this Court and grant exemption to the petitioner. In the case of “*Vivek Rai and Another Vs. High Court of Jharkhand through Registrar General and Others*” (supra), it has been held as follows:

11. “It has not been disputed even by the learned counsel for the High Court that the Rule does not affect the inherent power of the High Court to exempt the requirement of surrender in exceptional situations. It cannot thus, be argued that prohibition against posting of a revision petition for admission applies even to a situation where on an application of the petitioner, on a case being made out, the Court, in exercise of its inherent power, considers it appropriate to grant exemption from surrender having regard to the nature and circumstances of a case. Thus, the exception as found in the corresponding Supreme Court Rules that if the Court grants exemption from surrender and directs listing of a case, the Rule cannot stand in the way of the Court’s exercise of such jurisdiction, has to be assumed in the impugned Rule.”

Since the learned counsel for the petitioner has failed to show any exceptional circumstances in order to grant exemption to the petitioner from surrender, I am not inclined to entertain this interlocutory application which accordingly stands rejected.

I.A. No. 550 of 2026 stands rejected.

(Rongon Mukhopadhyay, J)