

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**Cr. Revision No. 304 of 2020**

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1. Jashim Mian @ Jasim Mian
2. Bablu Mian @ Babloo Mian
3. Shahida Bibi @ Sahida Bibi

... .. **Petitioners**

**Versus**

The State of Jharkhand

..... **Opp. Party**

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**CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA**

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For the Petitioner : Md. Faruque Ansari, Advocate

For the State : Mr. Suraj Deo Munda, A.P.P.

For the Informant : Mr. Baban Prasad, Advocate

**Order No. 08/ Dated: 08<sup>th</sup> May, 2026**

**I.A. No. 5918 of 2026**

1. This interlocutory application has been preferred by the petitioner no. 1, namely, Jashim Mian @ Jasim Mian for exemption from surrendering before the Court below in view of Rule 159 of the Jharkhand High Court Rules, 2001.

2. Learned counsel for the petitioner submits that petitioner no. 1 is an old age senior citizen and he is suffering from diabetes and other ailments. It is further submitted that in order to the case of *Vivek Rai & Another Vs. State of Jharkhand through Registrar General & Others* as reported in 2015(1) JLJR 398, the Hon'ble Apex Court has held that in appropriate cases, the High Court has inherent power to exempt to petitioner from surrendering before the learned Trial Court even after conviction. It is further submitted that petitioner no. 3, namely, Shahida Bibi @ Sahida Bibi has been exempted form surrender vide order dated 30.09.2021 passed by co-coordinate bench of this court in I.A. No. 5062 of 2021 on the ground that petitioner no.3 is an old age female.

3. On the other hand, learned A.P.P. as well as learned counsel for the informant have opposed the aforesaid submissions and it has been submitted that mere age of the petitioner no.1 cannot be categorized as sufficient ground for exemption from surrender. The petitioners have been held guilty for the offences under Sections 148 & 325/149 of the I.P.C. It is further submitted that under Rule 159 of the Jharkhand High Court Rules, 2001, there is no provision for exemption from surrender, though in appropriate cases, there may be extension of time for surrender of accused after conviction during the specified period before the revision application is taken up. Hence, interlocutory application filed by the petitioner for exemption from surrender is fit to be dismissed.

4. It appears that this Revision application was filed in the year 2020 and vide order dated 26.08.2021 passed by co-ordinate bench of this Court, the petitioners were given four weeks' time as last chance for removing the defects and producing the surrender certificate. Again, vide order dated 30.09.2021 in I.A. No. 5062 of 2021 passed by co-ordinate Bench of this Court, learned counsel for the petitioners pleaded that petitioner nos. 1 & 2 are ready to surrender before the Court below within three weeks and as such, he is not pressing their interlocutory application. However, in respect of petitioner no. 3, namely, Shahida Bibi @ Sahida Bibi is concerned, she was exempted from surrender on the ground of old age and being a woman.

Again, vide order dated 17.04.2026 passed by this Court, a direction was issued to the petitioner nos. 1 & 2 to file surrender certificate within a period of three weeks, failing which, the concerned Trial Court shall take all possible steps for their

apprehension and to send them in custody for serving the sentence awarded to them.

Just after three days, the present interlocutory application being I.A. No. 5918 of 2026 dated 24.04.2026 has been filed by the present petitioner in order to flout the successive order passed by this court, this is such type of mis-conduct being committed by the petitioner.

5. In view of the aforesaid contentions, facts and circumstances of the case, I do not find any reason to allow this interlocutory application and, hence, I. A. No. 5918 of 2026 stands rejected.

6. The learned Trial Court is directed to comply with the order dated 17.04.2026 passed by this Court without wastage of time for apprehension of the petitioners and also send compliance report within three weeks from the date of this order.

7. Let a copy of this order be communicated through 'fax' to the concerned Trial Court.

8. Let this case be listed on 09.06.2026.

**(Pradeep Kumar Srivastava, J.)**

*08.05.2026*  
*Rahul*  
Uploaded on 12/05/2026