

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (DB) No. 294 of 2019

Kunal Kumar Choudhary @ Kunal Kumar --- --- Appellant
Versus
The State of Jharkhand --- --- Respondent

CORAM: **Hon'ble Mr. Justice Rongon Mukhopadhyay**
Hon'ble Mr. Justice Rajesh Kumar

For the Appellant : Mr. Nishant Kr. Roy, Adv.
For the State : Mr. Tarun Kumar, A.P.P.
For the Informant : Mr. Sudhansu Kr. Deo, Adv.

I.A. No.6698 of 2021

05/05.01.2024 Heard Mr. Nishant Kr. Roy, learned counsel for the appellant and Mr. Sudhansu Kr. Deo, learned counsel appearing for the informant.

This application has been preferred by the informant for modification of the order dated 22.08.2019. The modification which has been sought for is that the fine amount of Rs.2 lakhs which has been fixed deposited in the name of the daughter of the deceased and the receipt has been deposited before the learned court below, according to the learned counsel for the informant be modified to the extent that they be permitted to have possession of those original receipts. It has been clearly mentioned in the order which has been sought to be modified that the amount of Rs. 2 lakhs which has been fixed deposited in the name of the daughter of the deceased shall not be encashed till the daughter attains majority or otherwise with the permission of the Court for exclusive purpose of the daughter's education and welfare. The original receipt is in the custody the appellant.

The amount of Rs.2 Lakhs which has been fixed deposited, cannot be withdrawn by anyone save and except the daughter of the deceased in terms of the said order. Therefore, modification of the order dated 22.08.2019 passed in I.A. No.7175 of 2019 with respect to handing over of the receipts by the appellant to the informant would serve no purpose as even if the informant has possession of the receipts, he would not be permitted to encash the amount which has been fixed deposited.

In view of the above therefore, we are not inclined to accede to the prayer made by the informant in this application which consequently stands disposed of.

(Rongon Mukhopadhyay, J.)

(Rajesh Kumar, J.)