

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision 552 of 2024

1. Dayanand Modi		
2. Chanani Transport		... Petitioners
-Versus-		
1. The State of Jharkhand		... Opposite Parties
2. Abhay and Company		

CORAM :- HON'BLE MR. JUSTICE RATNAKER BHENGRA

For the Petitioner	:- Mr.R.S. Mazumdar, Sr.Advocate
	:- Ms. Amrita Sinha, Advocate
For the State	:- Ms. Vandana Bharti, APP

04/26.07.2024:

When the matter is called out, the learned counsels for the parties are present.

IA No. 5036 of 2024

1. This instant interlocutory application has been filed on behalf of the petitioner namely Dayanand Modi for exempting him from surrendering before the learned trial Court against conviction dated 30.06.2023 passed in Complain Case No. 841 of 2016, T.R.-162 of 2023 passed by learned Judicial Magistrate, 1st Class-XXVII, Ranchi, Jharkhand.
2. The learned counsel submits that the petitioner has been diagnosed with a disease called Leukonechalopathy Diffuse Hereditary with spheroids. The said disease mainly affects the brain and spinal cord. In the case of petitioner water substance/lubricant are being collected in the brain of the petitioner which in every 3 to 4 month needs to be operated/discharged. The petitioner is undergoing treatment from NIMHANS, Bangalore, and also from AINU, Hyderabad. The learned counsel further submits that to demonstrate the ailments from which the petitioner is suffering he has annexed the prescription and medical reports of the petitioner in Annexure-IA/1&2 series of this interlocutory application. The counsel further submits that petitioner namely Dayanand Modi is suffering from serious

ailments and therefore, his exemption from surrender may be allowed

3. Learnd counsel for State has voiced her concern and submitted that the amount involved is large and it would be appropriate to notice the OP No.2.
4. Having heard both counsels, and in view of the submissions made above, I am inclined to grant exemption from surrendering to the petitioner namely Dayanand Modi from today till 6th September, 2024, and therefore, no coercive action to be taken against this petitioner.

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In the meantime, call for lower court records, from the concerned learned court below.

Meanwhile, issue notice to OP No.2 in Criminal Revision No. 552 of 2024 as well as in IA No. 5036 of 2024 through registered cover with A/D as well as by ordinary process for which requisites etc. must be filed within two weeks.

List this case on 30th August, 2024.

A copy of this order be conveyed to the learned concerned jurisdictional court through FAX.

Abha/-

(Ratnaker Bhengra, J.)