

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Rev. No. 575 of 2023

Mahendra Prasad @ Mahendra Prasad Yadav ...Petitioner

Versus

1. The State of Jharkhand

2. Basudeo Prasad YadavOpp. Parties

CORAM : HON'BLE MR. JUSTICE SUBHASH CHAND

For the Petitioner : Mr. Amit Kumar Sinha, Advocate

For the State : Mr. Vineet Kumar Vashistha, Spl.P.P.

For the O.P.No.2 : Mr. Rahul Kumar, Advocate

Order No. 07/ dated 16.02.2024

I.A. No.9100 of 2023 is with the prayer to exempt the petitioner from surrendering before the learned trial court on the ground that the petitioner was convicted by the learned trial court which was also affirmed by the learned Appellate Court but the said cheque was never issued by the petitioner to the complainant and on this very ground sought the exemption from surrendering before the learned court-below.

2. The petitioner was convicted by the trial court and the Judgment of conviction and sentence passed by the trial court was also affirmed by the Appellate Court.

3. So far as the ground taken by the petitioner that the said cheque was not issued by the petitioner to the complainant, the same ground is the defence of the petitioner and the learned trial court and the Appellate Court both have considered this fact and passed the impugned Judgment of conviction and sentence. As such this ground cannot be accepted to exempt the petitioner from surrendering before the learned trial court.

4. In view of the above, the prayer sought by the petitioner is hereby refused.

5. Accordingly, I.A.No.9100 of 2023 stands dismissed.

6. The petitioner is directed to surrender before the learned court-below and to file surrender certificate.

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List on 23.02.2024

(Subhash Chand, J.)

P.K.S