

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 625 of 2025

Timal Jayaswal @ Amit Jaiswal, aged about 47 years, son of Ram Palat Jaiswal @ Pampalat Jaiswal, resident of Harharguttu, P.O. Harharguttu, P.S. Bagbera, Town Jamshedpur, District-East Singhbhum presently residing at H. No. 20, Garbasa, Near Mahabir Mandir, P.O.and P.S. Bagbera, District-East Singhbhum Petitioner

Versus

- 1.The State of Jharkhand
- 2.The Union of India

..... Opposite Parties

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner	:Mr. Rajesh Kumar, Advocate
For the State	: Mrs. Amrita Kumari, A.P.P
For the Union of India	: Mrs. Nikki Sinha, C.G.C.

06/ 13.10.2025: Heard learned counsel for the petitioners and learned counsel for the State.

2. I.A. No.8103 of 2025 has been filed for suspension of sentence and release the petitioner on bail during the pendency of the instant criminal revision.

3. Learned counsel appearing for the petitioner submits that the learned Railway Judicial Magistrate, Porahat, Chaibasa by judgement dated 22.12.2022 held the petitioner guilty under section 3(a) of R.P., (U.P) Act in connection with R.P. Case No. 117 of 2008, T.R. No. 161 of 2022 arising out of RPF Post Tata Nagar Case No. 30 of 2008 and further sentenced the petitioner to undergo S.I. for two years and fine of Rs. 1,000/- and in default of payment of fine he will further undergo S.I. for 30 days and it was further ordered that the period undergone in custody shall be set off from the sentence. He further submits that said judgment was challenged before the learned Additional Sessions Judge-VI, East Singhbhum in Criminal Appeal No. 36 of 2023 and by judgment dated 19.04.2025 the learned appellate court has been pleased to dismiss the appeal and affirmed the judgment of learned trial court.

4. Learned counsel for the petitioner submits that the petitioner was in judicial custody since 20.10.2008 to 28.01.2009 and thereafter the petitioner voluntarily surrendered on 19.06.2025 and since then he is in judicial custody. He further submits that learned appellate court in para 10 of judgment has found that in cross-examination the witness admitted that

no official vehicle was used during the raid and no movement entry was made in the RPF Post records and further he expressed ignorance about the ownership of the premises but maintained it was within the railway yard. He further submits that sentence is two years and the petitioner has remained in custody for more than seven months.

5. Learned counsels for the Union of India and State oppose the prayer and submits that the petitioner has not completed half of the sentence.

6. Considering that the petitioner was in judicial custody since 20.10.2008 to 28.01.2009 and thereafter the petitioner voluntarily surrendered on 19.06.2025 and since then he is in judicial custody. The learned appellate court in para 10 of judgment has found that in cross-examination the witness admitted that no official vehicle was used during the raid and no movement entry was made in the RPF Post records and further he expressed ignorance about the ownership of the premises but maintained it was within the railway yard and this criminal revision petition is pending and in the attending facts and circumstances of the case, during pendency of this criminal revision petition, the petitioner above named, is directed to be released on bail, on furnishing bail bond of Rs.10,000/- (Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Porahat, Chaibasa in connection with R.P. Case No. 117 of 2008, T.R. No. 161 of 2022 arising out of RPF Post Tata Nagar Case No. 30 of 2008, subject to the condition that one of the bailor must be own relative.

7. I.A. No.8103 of 2025 is allowed and disposed of.

8. Let it appear after six weeks under the appropriate heading.

(Sanjay Kumar Dwivedi, J.)

Dated. 13.10.2025
Satyarthi-