

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Revision No. 719 of 2024

Rashid Yusuf

.....

Petitioner

Versus

1.The State of Jharkhand

2. Ras Mohan Thakur

.....

Opp. Parties

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Petitioner : Mr. A.K. Rashidi, Advocate

: Md. Azam, Advocate

For the State : Mr. Sunil Kumar Dubey, APP

03/Dated:09th June, 2025

It appears that Co-ordinate Bench (i.e. Hon'ble Mr. Justice Rajesh Kumar) vide order dated 20.12.2024 had called for scanned copy of the Lower Court Record.

2. Pursuant to the same, the Lower Court Record has been received and thereafter the case has been posted by the office.

I.A. No.12629 of 2024

3. This Criminal Revision Application has been filed on behalf of the petitioner by challenging the judgment dated 29.05.2024 passed by Sri Akhilesh Kumar Tiwari, learned District and Additional Sessions Judge-I, Lohardaga in Cr. Appeal No.29 of 2023 by which the appeal filed on behalf of the petitioner has been dismissed thereby affirming the judgment of conviction and order of sentence dated 26.04.2023 passed by Ms. Puja Kumari Lal, learned Judicial Magistrate, 1st Class, Lohardaga in Complaint Case No.208 of 2019 (T.R No.506/2023) by which the petitioner has been convicted for the offence under Section 138 of the N.I. Act and sentenced to undergo R.I for two (02) years and to pay Rs.1,20,000/- as compensation in favour of the complainant under Section 357(3) Cr.P.C.

4. I.A. No.12629 of 2024 has been filed on behalf of the petitioner for suspension of sentence and for grant of bail to the petitioner, during pendency of the present Criminal Revision Application.

5. Heard Mr. A.K. Rashidi, learned counsel for the petitioner and learned APP for the State.

6. Learned counsel for the petitioner submitted that the impugned judgments and sentence passed by the learned Courts below are illegal, arbitrary and not sustainable in the eye of law. It has been submitted that complainant and some other persons had misused the cheque book of the petitioner and they have filed several cases against the petitioner and the cheque had been misused by the third party namely Anand Kumar and Birendra Kumar and also by the complainant Ras Mohan Thakur. It has been submitted that the petitioner had surrendered before the Court below on 04.06.2024 and he is in custody for more than one year and hence, the petitioner may be enlarged on bail.

7. On the other hand, learned APP for the State has opposed the prayer for bail. It has been submitted that the petitioner had issued of Rs.1,00,000/- to the O.P. No.2 which was unpaid due to insufficient amount to the Bank Account of the petitioner. It has been submitted that the complainant has fully supported his case by examining himself and producing the relevant documents before the learned Court below and hence prayer for bail may be rejected.

8. Perused the Lower Court Records and considered the submission of both the sides.

9. It appears that petitioner is said to have issued cheque of Rs.1,00,000/- to the O.P. No.2 in presence of Anand Kumar and Birendra Kumar.

10. It appears that during trial said Anand Kumar and Birendra Kumar have not been examined before the learned Court below except the complaint who has been examined as C.W-1.

11. It appears that petitioner is in custody since more than one year and has completed half of his sentence.

12. Considering the custody of the petitioner and on the facts and in the circumstances of this case, the petitioner namely, Rashid Yusuf is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten thousand only) with two sureties of the like amount each, to the satisfaction of Ms. Puja Kumari Lal, learned Judicial Magistrate, 1st Class, Lohardaga/ or her Successor Court, in Complaint Case No.208 of 2019 (T.R No.506/2023) subject to the condition that one of the bailors should be his own relative.

13. I.A. No.12629 of 2024 is allowed and stands disposed of.

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14. Issue notice to the petitioner by registered post with A/D as well as ordinary process, for which requisites etc. must be filed within two weeks from today, failing which this Criminal Revision Application shall stand dismissed without further reference to the Bench.

15. Put up this case on 12.08.2025.

(Sanjay Prasad, J.)

Saket/-