

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 203 of 2007

Shashi Kumar Jain Petitioner
Versus
1. State of Jharkhand
2. Bhaskar Gupta Opposite parties

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner : Mr. Ajay Kr. Singh, Advocate
For the State : Mr. S.K. Srivastava, APP

17/ 21.11.2023 Heard learned counsel for the parties.

2. The order dated 18.01.2023 as well as order dated 01.03.2023 are quoted herein below:

“06/18.01.2023 Order dated 02.01.2023 reads as follows:

“05/02.01.2023 As per office note notices have been validly served upon the petitioner as well as O.P. No.2.

Mr. Bhasker Gupta-O.P.No.2 (in person) is present, however none appears on behalf of the petitioner nor any fresh Vakalatnama has been filed.

With a view to give one more opportunity, put up this case on 18.01.2023.”

2. In spite of the aforesaid order, neither anybody appears for the petitioner nor has any fresh Vakalatnama been filed. It appears that the petitioner is evading appearance inasmuch as the trial court judgment indicates that he was convicted for the offence punishable under Section 138 of the N.I. Act and was sentenced to undergo rigorous imprisonment for a period of one year along with a fine of Rs. 4,00,000/- (Rupees Four lacs), which was further upheld by the learned appellate court.

3. O.P. no. 2-Bhaskar Gupta is present-in-person along with learned S.K. Srivastava, learned A.P.P.

4. Looking to the facts and circumstances of the case and the attitude of the petitioner, let the petitioner be produced before this court by the Officer-in-Charge of the concerned Police Station.

5. Let a copy of this order be sent to the Superintendent of Police, Hazaribagh through Fax and to the concerned police station for proper compliance.

6. Put up this case on 10.02.2023.”

“10/Dated: 1st March, 2023: Both the parties are present in person. After due deliberation the petitioner has agreed to pay a sum of Rs. 3,50,000/- in total to the opposite party no.2 in 12 instalments. He also agreed to pay the total amount on or before 29th February, 2024.

2. Learned counsel for the O.P. No.2 after much hesitation finally agreed for the said amount of Rs. 3,50,000/-. Thus, both the parties have agreed to file a joint compromise petition before the next date of hearing.

3. Put up this case on 21.03.2023.”

3. Learned counsel for the petitioner submits that in view of the order dated 01.03.2023, he is ready with the compromise petition and he is also ready to deposit the said amount before this Court to be handed over to O.P. No.2, however, since O.P. No. 2 is not appearing now he is unable to file the petition for compromise which is evident from the order dated 01.03.2023.

4. Mr. S.K. Srivastava, learned APP submits that he is having no contact with the O.P. No.2, as such the notice may be issued to the local police station so that he may be informed.

5. Having heard learned counsel for the petitioner and learned APP let this matter be posted on 15.01.2024.
6. The O.P. No.2 is directed to be physically present before this Court on the next date of hearing.
7. Let a copy of this order be sent to Sadar Police Station, Hazaribag who shall ensure that the O.P. No.2, namely, Bhaskar Gupta, son of Durga Das Gupta, resident of Main Road, P.S. Sadar, District- Hazaribag shall remain physically present before this Court on the next date of hearing.

(Deepak Roshan, J.)

Pramanik/