

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision Filing No. 17483 of 2024

Akash Sinha, aged about 51 years, son of late Umesh Chandra Sinha,
resident of House No.4/Z-20, New Area Morhabadi, P.O. Morhabadi, P.S.
Bariyatu, District- Ranchi

... **Petitioner**

-Versus-

1. The State of Jharkhand
2. Binay Kumar, son of late Surendra Sahu, resident of Ashirvad Bhawan,
Middle Chutia, P.O. & P.S. Chutia, District- Ranchi

... **Opposite Parties**

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. Samavesh Bhanj Deo, Advocate
For the State : A.C. to Mr. Pankaj Kumar, P.P.

06/08.09.2025 **I.A. No.13772 of 2024**

1. Learned counsel for the petitioner submits that I.A. No.13772 of 2024 has been filed for exemption from surrender. He further submits that by the impugned judgment of conviction and order of sentence dated 08.05.2023 passed by the learned Judicial Magistrate, 1st Class, Ranchi, the petitioner has been convicted and sentenced to undergo S.I. for one year and compensation of Rs.3,00,000/- for the offence punishable under Section 138 of the Negotiable Instrument Act and in default of payment of fine amount, the petitioner has been further directed to undergo S.I. of two months. He submits that the petitioner has already paid the sum of Rs.50,000/- by demand draft dated 21.07.2025 to the complainant and in terms of the order of this Court dated 07.07.2025, further Rs.50,000/- has been deposited by way of demand draft in the name of the complainant in the office of the Registrar General. To buttress this argument, he refers to Annexures-A and B of the supplementary affidavit filed by the petitioner dated 21.07.2025. On these grounds, he submits that the petitioner may kindly be exempted from surrender.

2. In view of the above and considering Rule 159 of the High Court of Jharkhand Rules, 2001, the Court finds that exceptional circumstance is made out in light of payment of the said amount and the proof has also been brought on record by way of filing supplementary affidavit and in that view of the matter, the prayer made in the I.A. is allowed.

3. In view of the above facts, the petitioner, named above, is exempted from surrender in connection with Complaint Case No.4315 of 2018, corresponding to T.R. No.826/2023, pending in the Court of the learned Judicial Magistrate, 1st Class, Ranchi.

4. Accordingly, I.A. No.13772 of 2024 is disposed of.

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5. Learned counsel for the petitioner submits that surviving defects will be removed within a week.

6. Time, as prayed for, is allowed. It is made clear that if the surviving defects are not removed within a week, this criminal revision petition shall stand rejected without further reference to the Bench.

(Sanjay Kumar Dwivedi, J.)

Ajay/