

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision Filing No.18932 of 2024

Pravesh Kumar aged about 34 years son of Chandradhan Mahto r/o village Banuwa P.O. and, police station - Lesliganj, District - Palamau **Petitioner**

Versus

1. The State of Jharkhand
2. Priti Kushwaha W/o Pravesh Kumar, D/o Niranjana Mahto, At, Village - Bhusra, P.O. + P.S. - Parwa Distt - Palamau, At present - Housing Colony, P.O + P.S Daltonganj Town, Distt. - Palamu - Jharkhand.
..... **Opp. Parties**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Petitioner : Mr. Abhay Kr. Chaturvedi, Advocate
For the State : Ms. Mohua Palit, A.P.P
For the O.P. No.02 : Mr. Anurag Kashyap, Advocate

08/Dated: 18th December, 2024

1. Heard learned counsel for the revisionist/ husband, learned counsel for the O.P. No.02/ wife and learned counsel for the State.

2. The present criminal revision application has been filed against the judgment dated 09.07.2024, passed by the court of learned Additional Sessions Judge - III, Palamau at Daltonganj, in Cr. Appeal No.43 of 2022, whereby the appeal filed by the applicant has been dismissed with modification in the sentencing part and he has been directed to undergo rigorous imprisonment for three months and a fine of Rs.500/- in place of sentence to undergo rigorous imprisonment for nine months and a fine of Rs.1,000/- with a default clause.

The aforesaid appeal has been filed against the judgment of conviction and order of sentence dated 30.11.2022, passed by the court of learned Chief Judicial Magistrate, Palamau at Daltonganj in G.R No.1842 of 2017 (T.R. No.70 of 2022), whereby and whereunder the applicant has been found guilty for the offence under Sections 323/ 498A of the Indian Penal Code and sentenced him to undergo rigorous imprisonment for two years with fine of Rs.5,000/- for the offence under Section 498A of the I.P.C and for the offence under Section 323 of I.P.C, he has been sentenced to undergo rigorous imprisonment for nine months and fine of Rs.1,000/- with default clause.

3. It appears that vide order dated 01.10.2024, the revisionist has been given exemption from surrender till today on the ground that the matter has been settled between the parties outside the Court and notice was issued to the O.P. No.02/ wife.

4. It has been submitted by the learned counsel for the revisionist that the matter has been settled between the parties outside the court.

On the last date, i.e., 27.11.2024 also the same argument was advanced before this Court by the learned counsel for the revisionist and as such the O.P. No.02/ wife was directed to remain physically present before this Court on the next date to substantiate the factum of settlement.

In pursuance of the said order, the wife and the revisionist, both are present before this Court.

5. It has been submitted by the learned counsel for the O.P. No.02/ wife that there was settlement between the parties so far as the maintenance amount is concerned and so far as the present case is concerned, there is no settlement between the parties.

6. **In I.A. No.9661 of 2024**, the ground for exemption has been shown that the parties have settled their dispute outside the Court.

Since no settlement has been taken place between the parties so far as the present case is concerned and further, no other reason has been assigned for granting exemption, the prayer for exemption from surrender stands denied and accordingly, I.A. No.9661 of 2024 stands rejected.

7. The revisionist has been convicted by both the courts. The order of the appellate court is dated 09.07.2024. Since the argument advanced by the learned counsel for the revisionist has been negated by the wife/ O.P. No.02, **the revisionist is directed to surrender in the court below within five days from today.**

8. Learned counsel for the revisionist is directed to file an affidavit to that effect on or before the next date.

9. As prayed for, put up this case on 27.01.2025.

(Rajesh Kumar, J.)

Chandan/-