

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Rev. No. 956 of 2023

Dinesh Hazam **Petitioner**

Versus

1. The State of Jharkhand and Anr.

... ... **Opposite Parties**

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CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

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

For the Opp. Party No.2 : Mr. Sudhanshu Kr. Deo, Advocate

For the State : Mr. Abhay Kr. Tiwari, Advocate

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08/21.06.2024

The learned counsels for the parties are present.

2. This criminal revision has been filed challenging the judgment dated 07.07.2023 passed by learned Additional Judicial Commissioner – III, Ranchi in Criminal Appeal No.185 of 2019 affirming the judgment of conviction and order of sentence both dated 27.08.2019 passed by learned Judicial Magistrate 1st Class, Ranchi in Complaint Case No.2452 of 2018 whereby the petitioner has been convicted under section 138 of the Negotiable Instrument Act and has been sentenced to undergo simple imprisonment for one year with a direction to pay compensation of Rs.4,95,000/-.

3. I.A. No.2759 of 2024 has been filed with a prayer for bail.

4. The learned counsel for the petitioner has submitted that the petitioner is in custody since 18.11.2023 in connection with his conviction under section 138 of Negotiable Instruments Act with regard to bouncing of cheque dated 11.04.2018 for Rs.4,50,000/- and compensation amount which has been fixed by the learned court is Rs.4,95,000/-. The learned counsel for the petitioner has submitted that at one point of time, there was a compromise between the parties, but on account of COVID – 19, the amount could not be deposited. He submits that an amount of Rs.4,50,000/- was to be given to the opposite party no.2 in installments.

5. The learned counsel for the opposite party no.2 has submitted that the cheque amounting to Rs.1,50,000/- which was given as a part of compromise had also bounced , for which another case relating to

bouncing of cheque is pending being Complaint Case No.4308 of 2019.

6. At this, learned counsel for the petitioner under the instruction of the father of the petitioner has submitted that the petitioner is ready to deposit the entire compensation amount before this Court in two installments and he submits that the petitioner may be enlarged on bail. He further submits that in the meantime, if the parties agree, they may file a joint compromise petition.

7. Considering the aforesaid facts and circumstances, the petitioner is directed to be released on bail during the pendency of the present revision petition on furnishing bail bond of Rs.25,000/- (Rs. Twenty-Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Ranchi in connection with Complaint Case No.2452 of 2018 subject to the following conditions:

- (i) The petitioner shall deposit an amount of Rs.2,20,000/- before this court in the account of learned Registrar General, High Court of Jharkhand, Ranchi within a week from today and produce a copy of the receipt of such deposit before the learned trial court. The details of the account for deposit of the amount by the petitioner is as follows: -

Bank of India, Branch Name: Jharkhand High Court

IFSC: BKID0004958

Account No. – 495810 100100 835

- (ii) One of the bailors should be the father of the petitioner.
- (iii) The petitioner shall deposit self-attested photocopy of his Aadhaar Card along with his Mobile Number which he shall not change during the pendency of this case.
- (iv) The remaining amount of Rs.2,75,000/- be deposited in the aforesaid account by 21.10.2024. The proof of such deposit be also furnished before the learned trial court by 25.10.2024.

8. Accordingly, IA No. 2759 of 2024 is hereby allowed in the aforesaid terms.

9. Post this case on 28.10.2024 for “Final Disposal”.

10. In the meantime, it will be open to the parties to enter into compromise, if so advised and file joint compromise petition.

11. Let the records be called for from the court concerned.

12. Let this order be immediately communicated to the court concerned through email/fax.

(Anubha Rawat Choudhary, J.)

Saurav