

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Rev Filing No. 20845 of 2024

Subrata Kumar Maity, son of Rajendra Kumar Maity, r/o Purihasa@ Pudihasa,
PO & PS Sundernagar, Dist- East SinghbhumPetitioner

-Versus-

1.The State of Jharkhand
2. Uday Roy, son of Jagdish Chandra Roy, r/o vill Gaitadih, Jamshedpur PO&
PS Karandih, Dist- East Singhbhum ... Opposite Parties

CORAM :- HON'BLE MR. JUSTICE RATNAKER BHENGRA

For the Petitioner :- Mr. Vikas Kumar, Advocate
:- Mr. Rajesh Kumar, Advocate
For the State :-Mr. Arup Kr. Dey, APP

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04/03.10.2024:

When the matter is called out, the learned counsels for the parties are present.

IA No. 10782 of 2024

The present interlocutory application is being filed for exemption from surrender in connection with the present case under Rule 159 of the High Court of Jharkhand Rules and also in view of the settled law of the Hon'ble Supreme Court.

The learned counsel for the petitioner submits that during the pendency of this case the parties have entered into compromise and settled the matter amongst themselves, and now the complainant does not want to proceed with this case as well as in connection with the judgment dated 05.06.2024 passed by learned Sessions Judge, East Singhbhum, Jamshedpur in Criminal Appeal No. 116 of 2023 wherein the appeal preferred by the petitioner against the judgment of conviction and order of sentence dated 29.05.2023 passed by learned Judicial Magistrate First Class, Jamshedpur in Complaint Case No. 2445 of 2019 was dismissed and Court was pleased to hold the appellant and to pass the sentence to undergo one year imprisonment along with fine of Rupees Seventy thousand and in default of payment of fine, he is directed to serve additional period of imprisonment for two months. The

counsel further submits that the parties have compromised the dispute with respect to the subject matter of Complaint Case No. 2445 of 2019 pursuant to the compromise entered into between the parties the amount of Rs. 70,000/- has already been received by the complainant on 28.08.2024 and the parties have executed an agreement with respect of the said settlement with respect to the terms and conditions of the compromise between the parties. He has attached the agreement at annexure 1 of this application.

I have perused the annexure-1 which is the agreement of the terms and conditions stated there under.

The learned counsel for the petitioner submits that on the basis of aforesaid he may be granted the exemption from surrender or the period of surrender may be extended.

The learned counsel for the State has not objected to the same, however submitted that OP No. 2 may be noticed.

In view of the above and the compromise indicated, the period of surrender of the petitioner in the learned trial Court below is extended till the next date of hearing.

Issue notice to Opposite Party No.2 through registered cover with A/D as well as by ordinary process for which requisites etc. to be filed within three weeks.

Thereafter, list this case on 28.11.2024.

(Ratnaker Bhengra, J.)

Abha/