

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Revision No. 1118 of 2023

P. Eswar Rao, son of P. Rama Rao, aged about 63 years, resident of Q. No.178A, Line No.6 Kashidih, Sakchi, P.O. and P.S. Sakchi, Town Jamshedpur, District East Singhbhum Petitioner

Versus

1.The State of Jharkhand

2.Seema Devi, wife of Om Prakash Dubey, through her authorized representative Om Prakash Dubey, son of Jamuna Dubey, resident of H. No.112, Jawahar Nagar, Road No.4, Jamshedpur, P.O. Azadnagar, P.S. Mango, District-East Singhbhum

..... Opp. Parties

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Petitioner : Mr. Tarun Kumar No.1, Advocate
: Mr. Sheo Kumar Singh, Advocate
For the State : Mrs. Nehala Sharmin, Spl.PP
For the O.P. No.2 : Mr. J.N Upadhyay, Advocate

09/Dated:06th March, 2025

I.A. No.2318 of 2025

This Criminal Revision Application has been filed on behalf of the petitioner challenging the judgment dated 02.06.2023 passed by Sri Anil Kumar Mishra No.1, learned Sessions Judge, East Singhbhum, Jamshedpur in Cr. Appeal No.08 of 2023 by which the appeal filed on behalf of the petitioner has been dismissed thereby affirming the judgment of conviction and order of sentence dated 23.12.2022 passed by Sri Rajendra Prasad, learned Judicial Magistrate 1st Class, Jamshedpur in connection with C/1 Case No.1996 of 2019 by which the petitioner has been convicted for the offence under Section 138 of N.I. Act and sentenced to undergo S.I. for one year and to pay the fine of Rs.4,40,000/- as compensation to the complainant.

2. I.A. No.2318 of 2025 has been filed on behalf of the petitioner for suspension of sentence and for grant of bail to the petitioner, during pendency of the present Criminal Revision Application.

3. Heard Mr. Tarun Kumar No.1, learned counsel for the petitioner and Mrs. Nehala Sharmin, learned Spl.PP for the State and Mr. J.N. Upadhyay, learned counsel for the O.P. No.2.

4. Learned counsel for the petitioner submitted that the impugned judgments and sentence passed by the learned Courts below are illegal, arbitrary and not sustainable in the eye of law. It is submitted that the original holder of cheque has not been examined before the learned Court below rather she has authorized her husband to appear on her behalf who had contested the case. It is submitted that the witnesses namely Jitendra Sharma and Sudhir Kujur, who were the witnesses in the money receipts, have not been examined by the complainant in support of her case and even the concerned officers of the Bank have not been examined. It is submitted that the petitioner is in custody since 09.07.2024 and hence, the petitioner may be enlarged on bail.

5. On the other hand, learned counsel for the O.P. No.2 has opposed the prayer for bail. It is submitted that the cheque of Rs.3,80,000/-, issued by the petitioner, has been dishonoured due to insufficiency of fund. It is submitted that the complainant had authorized her husband vide Authorization Letter marked as Exhibit-1 who had appeared on her behalf and who was examined before the learned Court below and who has fully supported the case of the complainant.

6. It is submitted that the learned Court below has considered all the Money Receipts dated 13.12.2017 and 06.10.2017 marked as Exhibit-2 and 2/1 respectively as well as the Legal Notice, Original Postal Receipt and Tracking Report marked as Exhibits-5, Exhibit-6 and Exhibit-7 respectively and also the Cheque Return Memo dated 20.05.2019 issued by the Bank marked as Exhibit-4.

Thus, there is no illegality in the impugned judgments and sentence passed by the learned Courts below. It is submitted that the petitioner may be directed to pay at least 50% of the cheque to the complainant at the time of bail and hence the prayer for bail of the petitioner may be rejected.

7. Having heard the learned counsel for both the sides and on going through the records, it appears to be a case of friendly loan.

8. It appears that the petitioner is in custody since 09.07.2024 i.e. for around eight months.

9. Normally this Court grants bail in such cases only after payment of certain amount but considering the long custody of the petitioner, this Court is taking lenient view.

10. Under the circumstances, the petitioner namely, P. Eswar Rao is directed to be released on bail provisionally for a period of six months, on furnishing bail bonds of Rs.10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of Sri Rajendra Prasad, learned Judicial Magistrate 1st Class, Jamshedpur/or his Successor Court in connection with C/1 Case No.1996 of 2019, subject to the condition that one of the bailors should be relative of the petitioner.

11. Thus, I.A. No.2318 of 2025 is allowed and stands disposed of.

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12. However, it will be desirable that both the parties may resolve their dispute by way of mediation and conciliation also.

13. Under the circumstances, both petitioner and the O.P. No.2 are directed to appear before the learned Secretary, DLSA, Jamshedpur on 24.03.2025.

14. The learned Secretary, DLSA, Jamshedpur shall appoint a Mediator for an amicable settlement between both the sides and shall submit his report on or before this Court on 24.04.2025.

15. Put up this case on 29.04.2025.

16. Let a copy of this order be sent to the learned Secretary, DLSA, Jamshedpur by FAX and to the learned Court below for the needful.

16. Call for the scanned copy of the Lower Court Records.

(Sanjay Prasad, J.)