

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision (Filing) No. 21989 of 2024

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Prakash Kumar Singh, aged about 45 years, son of Sadanand Singh, resident of Khasuwa Toli, Torpa, PO- Torpa, PS- Torpa, District- Khunti, Jharkhand **..... Petitioner**

Versus

1. The State of Jharkhand
2. Vivan Industries Private Limited through Director Vivek Kumar, son of Anand Kishore Gupta, resident of Second Street, Church Road, PO –GPO, Ranchi, PS- Lower Bazar, District- Ranchi, Jharkhand **..... Opp. Parties**

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Petitioner : Mr. Akhouri Awinash Kumar, Advocate
Mr. Aparn Mishra, Advocate
For the State : Mr. Santosh Kumar Shukla, A. P. P.
For the O. P. No. 2 : None.

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I.A. No. 9829 of 2024

07/29.01.2025 The present Cr. Revision (Filing) No. 21989 of 2024 has been filed on behalf of the petitioner challenging the judgment dated 06.08.2024 passed in Criminal Appeal No. 189 of 2024 by Sri Diwakar Pandey, the learned Judicial Commissioner, Ranchi whereby the learned Judicial Commissioner, Ranchi has dismissed the Criminal Appeal No. 189 of 2024 by affirming the judgment of conviction and order of sentence dated 21.05.2024 passed by Sri D. N. Shukla, Judicial Magistrate, 1st Class, Ranchi in connection with Complaint Case No. 12248 of 2021 by which the petitioner has been convicted for the offence under Section 138 of the Negotiable Instrument Act and sentenced to undergo S.I. for a period of one (1) year and to pay total amount of Rs. 10,50,000/- to the complainant by way of compensation under Section 357(3) of the Cr. P. C.

2. Heard learned counsel for the petitioner and learned counsel for the State.

3. I.A. No. 9829 of 2024 has been filed on behalf of the petitioner under Rule 159 of the Jharkhand High Court Rules, 2001 for exempting him from surrender before the learned Court below.

4. Learned counsel for the petitioner has submitted that the petitioner has paid 20 % of the compensation amount (i.e. Rs. 2,10,000/-) at the time of filing Criminal Appeal No. 189 of 2024 before the Court of learned Judicial Commissioner, Ranchi. It is further submitted that remaining amount of Rs. 8,40,000/- has also been deposited by way of Demand Draft in faour of Vivan Industries Private Ltd. i.e. the opposite party no. 2 before the office of learned Registrar General of this Court in light of the direction given by the Co-ordinate Bench (Hon'ble Mr. Justice Rajesh Kumar) of this Court vide order dated 28.11.2024. It is submitted that the petitioner has filed supplementary affidavit on 28.01.2025 by stating that Demand Draft of Rs. 8,40,000/- in faour of Vivan Industries Private Ltd. i.e. the opposite party no. 2 has been deposited before the office of learned Registrar General of this Court and as such, in the interest of justice, the petitioner may be exempted from the surrendering in the learned Court below as the petitioner has deposited the entire compensation amount.

4. Learned counsel for the State raised no objection.

5. It appears that the petitioner has deposited Rs. 10,50,000/- i.e the entire compensation amount.

It appears that the petitioner has deposited 20 % of the compensation amount i.e. Rs. 2,10,000/- at the time of filing Criminal Appeal No. 189 of 2024 before the Court of learned

Judicial Commissioner, Ranchi. Thereafter, the petitioner has further deposited the remaining amount of Rs. 8,40,000/- by way of Demand Draft in favour of Vivan Industries Private Ltd. i.e. the opposite party no. 2 before the office of learned Registrar General of this Court in light of the direction given by the Co-ordinate Bench (Hon'ble Mr. Justice Rajesh Kumar) of this Court vide order dated 28.11.2024.

6. It also appears from the Annexure- 3 series of supplementary affidavit dated 28.01.2025 filed by the petitioner that an application has also been forwarded to the learned Registrar General of this Court by the pairvikar of the petitioner regarding deposit of the said amount in favour of the opposite party no. 2.

7. Learned Registrar General of this Court is directed to keep the said Demand Draft in safe custody and shall not disburse the same till further order of this Court.

8. Having heard learned counsel for the petitioner and learned counsel for the State and considering the fact that the petitioner has deposited the entire compensation amount of Rs. 10,50,000/- and also in light of the provisions of Rule 159 of the High Court of Jharkhand Rules, 2001, the petitioner-Prakash Kumar Singh is exempted from surrendering in the learned Court below.

9. Accordingly, I.A. No. 9829 of 2024 is allowed and stands disposed of.

10. Let a copy of this order be sent to the office of learned Registrar General and to the learned Court below for the needful.

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11. Issue notice to the opposite party no. 2 under

registered cover with A/D and ordinary process and for which requisites etc. must be filed within two weeks from today.

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

13. Put up this case on 11.03.2025.

(Sanjay Prasad, J.)

Kamlesh/