

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Rev. Filing No. 25972 of 2024

Nikhil Kumar, Proprietor of New Homes

..... ... Petitioner

Versus

- 1. The State of Jharkhand.
- 2. Mrs. Somlata Singh

..... ... Opposite Parties

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. Shashank Shekhar Prasad, Advocate.
For the State : Mrs. Mohua Palit, A.P.P.
For the O.P. No. 2 : Mr. Sharan Toppo, Advocate.

08/ 25.11.2025 Learned counsel appearing for the petitioner submits that the matter is arising out of Section 138 of NI Act and the learned Judicial Magistrate, 1st Class-XXI, Ranchi, by the judgment dated 23.01.2024 passed in Complaint Case No. 1167 of 2019 has been pleased to hold guilty and the petitioner has been sentenced to undergo simple imprisonment for six months with a fine of Rs. 20,00,000/- in form of compensation for having committed the offence under Section 138 of the N.I. Act and in default of payment of compensation amount, the petitioner will undergo simple imprisonment for a period of one year. He further submits that the said judgment of learned trial court has been challenged before the learned Judicial Commissioner, Ranchi, in Criminal Appeal No. 33 of 2024, whereby the learned first appellate court has been pleased to dismiss the said appeal by order dated 15.07.2024 by way of upholding the order of the learned trial court.

2. Learned counsel appearing for the petitioner submits that I.A. No. 2839 of 2025 has been filed on behalf of the petitioner for exemption from surrender before the learned court. He next submits that in terms of the order dated 27.03.2025 passed by the co-ordinate bench, the petitioner has already deposited a demand draft of Rs. Rs. 5 lakhs before the learned Registrar General of this court and in turn, the O.P. No. 2 has already received the said demand draft of Rs. 5 lakhs. He

then submits that by the said order, the interim protection was granted to the petitioner. On instruction, he has been instructed that the petitioner will pay the entire remaining amount i.e. Rs. 15 lakhs to the O.P. No. 2 within two weeks from today. On these grounds, he submits that the petitioner may kindly be exempted from surrender before the learned court.

3. Learned A.P.P. appearing for the State submits that the matter is arising out of Section 138 of the NI Act.

4. Learned counsel appearing for the O.P. No. 2 submits that the O.P. No. 2 has already received Rs. 5 lakhs. He next submits that the remaining amount i.e. Rs. 15 lakhs has not been paid as yet.

5. In view of the above and considering that the matter is arising out of Section 138 of the NI Act and further as per the direction of the co-ordinate bench by the order dated 27.03.2025, petitioner has already paid a sum of Rs. 5 lakh to the O.P. No. 2 and on instruction, it has been submitted by the learned counsel appearing for the petitioner that the remaining amount of Rs. 15 lakhs will be paid to the O.P. No. 2 within two weeks from today, the court finds that exceptional ground is made out to exempt the petitioner to surrender before the learned court, under Rule 159 of the High Court of Jharkhand Rules, 2001. As such, the petitioner is exempted to surrender before the learned court.

6. The aforesaid I.A. is allowed and disposed of.

7. It is open for the petitioner and the O.P. No. 2 to file the joint compromise petition, after receiving of the remaining amount by the O.P. No. 2.

8. Office will proceed as per the procedure.

(Sanjay Kumar Dwivedi, J.)

Dated:-25.11.2025
Amitesh/-