

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 1482 of 2022

Manbodh Singh				Petitioner
Versus				
1. The State of Jharkhand				
2. Suresh Singh				Opp. Parties

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Petitioner	: Mr. Pawan Kumar Pathak, Advocate
For the State	: Mr. Shiv Shankar Kumar, A.P.P.

Order No.10 Dated : 29.07.2025

I.A. No.13773 of 2024

Heard learned counsel in I.A. No.13773 of 2024 which has been filed for exemption of the petitioner from surrender.

Instant criminal revision is preferred against the judgment of conviction and order of sentence dated 21.06.2022 passed in Cr. Appeal No.180 of 2019 by which the appeal of the petitioner has been dismissed and the judgment of conviction passed by the learned trial Court under Section 417 of the I.P.C. and sentence of S.I. for 03 months and fine of Rs.10,000/-, has been affirmed.

It is submitted by the learned counsel that criminal appeal has been dismissed for non-prosecution, which is not permissible.

I find much force in the argument advanced on behalf of petitioner that the criminal appeal cannot be dismissed for non-prosecution. In case if the lawyer is not co-operating after filing of the criminal appeal, amicus curiae can be appointed and after hearing the amicus curiae on behalf of appellant, the same could be disposed of.

However, procedure of dismissal of criminal appeal for non-prosecution, is unknown in criminal jurisprudence.

It is further argued that the petitioner is a heart patient and had undergone bypass surgery in Medica, Ranchi. It is also submitted that the petitioner had no intention of deception and he paid Rs.14,30,000/- which would be evident from Exhibit A. Lastly, it is submitted that charge was framed under Section 406 of the IPC, but judgment of conviction and order of sentence have been passed under Section 417 of the IPC.

Learned A.P.P. has not disputed the factual assertions made on behalf of petitioner. However, he has opposed the interlocutory

application for exemption from surrender.

Under the circumstance, I.A. No.13773 of 2024 for exemption from surrender, is allowed.

Petitioner is however, directed to appear before the learned trial Court and furnish bail bond of Rs.25,000/- with two sureties of the like amount each and after furnishing the same, the certificate to that effect will be filed before this Court.

Cr. Revision No. 1482 of 2022

Admit.

Call for Lower Court Records from the Court concerned.

Let this case be listed under the heading 'Admission' after furnishing of the said certificate of bail bond on 02.09.2025.

(Gautam Kumar Choudhary, J.)

Anit