

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 2214/2017

Ramkishan S/o Shri Gangiram, R/o Bahrapur, Police Station
Sadar, Gurgaon Haryana

-----Petitioner

Versus

State Of Rajasthan Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Azad Ahmed Mr. Deepak Kumar Meena
For Respondent(s)	:	Mr. Jitendra Singh Rathore-PP

JUSTICE ANOOP KUMAR DHAND

Order

19/03/2026

1. By way of filing the instant petition, a challenge has been led to the impugned order dated 20.03.2017, passed by the Court of Additional Chief Judicial Magistrate (Kaman) in Criminal Case No. 178/2017 (810/2003) by which the application submitted by the petitioner under Section 70(2) Cr.P.C. for conversion of arrest warrant into bailable warrant, has been rejected.

2. Counsel for the petitioner submits that the petitioner is facing trial for the offences under Section 379 IPC and under Sections 21 (4) and (5) of the Mines and Minerals (Development and Regulation) Act, 1957 (for short,"MMDR Act"). Counsel submits that the petitioner was regularly appearing before the Trial Court since the beginning of the trial but on account of serious illness of his mother, he could not appear before the Trial Court on 11.01.2007, hence his bail bonds were forfeited on

11.01.2007. Counsel submits that the petitioner could not communicate the aforesaid fact to the counsel who was representing him before the Trial Court, hence under such circumstances, arrest warrants have been issued against the petitioner. Although, now the petitioner is ready and willing to appear before the Trial Court, so the arrest warrant issued against him be converted into bailable warrant.

3. Learned Public Prosecutor opposes the prayer made by counsel for the petitioner and submits that the petitioner has remained absconding for more than ten years and no justified reason has been given for his prolonged absence, hence the trial Court has not committed any error in rejecting the application submitted by the petitioner.

4. Heard and considered the submissions made at Bar and perused the material available on record.

5. Perusal of the record indicates that the petitioner is facing trial for the offence under Section 379 IPC and under Sections 21 (4) and (5) of the MMRD Act. The impugned order indicates that on account of absence of the petitioner on the fateful day i.e. 11.01.2007, his bail bonds were forfeited and arrest warrants were issued against him by the Trial Court. In this regard, an application under Section 70(2) Cr.P.C. has been submitted by the petitioner before the Trial Court for converting the arrest warrants into bailable warrants after a period of ten years on the ground that on account of his mother's illness and due to non-communication between him and his counsel, a delay has been occurred. This Court is not satisfied with the reasons given by the petitioner, as he was very much aware about the criminal case

pending against him and he was regularly appearing before the Trial Court till 2007. However, looking to the nature of the allegations and also looking to the fact that the petitioner is ready and willing to face the trial, this Court deems it just and proper to dispose of the instant petition with the following conditions:-

(I) The petitioner would deposit a sum of Rs. 11,000/- before the Trial Court within a period of three weeks from today. The aforesaid amount would be placed by the Trial Court in the Welfare of the Poor Litigant Funds Account. The aforesaid amount would be utilized by the trial Court for the welfare of poor litigants who are not in a position to engage counsels and make payment of litigants fees before the trial Court.

(II) The petitioner would plant 25 shade bearing trees in his vicinity in public area. The aforesaid process would be carried over by him within a period of two weeks from the date of receipt of the certified copy of this order and he is further directed to look after these shade bearing trees.

(III) The petitioner would submit the photographs of these shade bearing trees along-with an undertaking before the trial Court to show that the Condition No.II imposed by this Court which has been duly complied with by him and he would take care of these plants till it grows and gets in proper shape and they would submit the actual photographs of these trees at the end of every three months in every year till disposal of the case.

6. The reasons for passing this present order directing the petitioner to plant 25 shade bearing trees is in the interest of the public at large and for the greater public good. Planting trees as directed above, is one such initiative, which this Court considers to be appropriate, as trees, for as long as they thrive whether for decades or centuries will continuously and silently offer numerous benefits to the city and the surrounding community. Future generations will benefit from a cleaner, fresh and oxygen-rich environment.

7. In case, the aforesaid order passed by this Court is complied with by the petitioner within the above stipulated period, the trial Court is directed to accept the bail bonds of the petitioner subject to its satisfaction and release him on bail. In case, the petitioner fails to comply with the aforesaid order and fails to appear before the Trial Court within a period of four weeks from today, this order will not have any effect and if the trial has already been concluded then also the aforesaid order would not have any effect.

8. With the aforesaid observations and directions, the instant criminal misc. petition, stay application as well as all applications (pending, if any) stand disposed of.

(ANOOP KUMAR DHAND),J