IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. M.P. No.1557 of 2020

Jitendra Kumar Yadav … Petitioner

Versus

1. The State of Jharkhand
2. Sapna Yadav ⋯ Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Sanjay Prasad, Advocate
For the State : Mr. Shiv Shankar Kumar, A.P.P.
For the O.P. No.2 : Mr. Dharmendra Kr. Malityar, Advocate

Order No.04 Dated- 09.10.2020

Heard the parties through video conferencing.

This criminal miscellaneous petition has been filed by the petitioner with a prayer for modification of the order dated 02.12.2019 passed in A.B.A. No.5835 of 2019.

It is submitted by the learned counsel for the petitioner that vide order dated 02.12.2019 passed in A.B.A. No.5835 of 2019, the petitioner was directed to surrender before the court below within four months but due to financial hardships, the petitioner could not arrange money to prepare demand draft. It is next submitted that in the meanwhile the petitioner has arranged the money to prepare demand draft. It is also submitted that the petitioner is ready and willing to surrender before the learned court below and unless eight weeks' extension is granted to the petitioner, the petitioner will be highly prejudiced. Hence, it is submitted that the time period for the petitioner to surrender before the court below in terms of the order dated 02.12.2019 passed in A.B.A. No.5835 of 2019, be extended by eight weeks from the date of this order.

Learned counsel for the State has not raised any serious objection.

Learned counsel for the opposite party No.2

submits that since the petitioner has been given the privileges of anticipatory on 02.12.2019 yet the victim compensation amount has not been deposited by the petitioner for so long. Hence, the amount of victim compensation should be increased if extension is granted to the petitioner.

Considering the aforesaid submission of the learned counsel for the petitioner, the prayer for extension of time for the petitioner to surrender in the court below in terms of the order dated 02.12.2019 passed in A.B.A. No.5835 of 2019 is extended by eight weeks from the date of this order subject to the condition that the victim compensation amount is enhanced to Rs.32,000/- in spite of Rs.30,000/-. The order dated 02.12.2019 passed in A.B.A. No.5835 of 2019 is modified by directing the petitioner to surrender within eight weeks from the date of this order in terms of the order dated 02.12.2019 passed in A.B.A. No.5835 of 2019 subject to depositing of a demand draft of Rs.32,000/- as ad interim victim compensation in favour of the opposite party No.2 in place of Rs.30,000/- which was earlier ordered to be deposited.

The order dated 02.12.2019 passed in A.B.A. No.5835 of 2019 is modified to the aforesaid extent only.

This criminal miscellaneous petition is disposed of accordingly.

(Anil Kumar Choudhary, J.)

Animesh//