

(2012) 08 JH CK 0100

Jharkhand High Court

Case No: A.B.A. No. 1574 of 2012

Ashok Rawani

APPELLANT

Vs

The State of Jharkhand and
Savita Devi

RESPONDENT

Date of Decision: Aug. 4, 2012

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 438(2)
- Penal Code, 1860 (IPC) - Section 323, 34, 341, 494, 498A

Hon'ble Judges: Jaya Roy, J

Bench: Single Bench

Advocate: Sudhansu Kr. Deo, for the Appellant; Arvind Kr. Choudhary, Advocate for the
O.P. No. 2, for the Respondent

Judgement

Jaya Roy, J.

I.A. No. 1190 of 2012

1. 04/03.08.2012 Heard learned counsel for the petitioner and the learned counsel for the O.P. No. 2 as well as the learned counsel for the State. The petitioner is apprehending his arrest in connection with the case registered under Sections 341, 323, 504, 498A, 494/34 of the Indian Penal Code.

2. Learned counsel for the petitioner and the learned counsel appearing for the O.P. No. 2 have submitted that both the parties have settled their disputes according to terms and conditions mentioned in the interlocutory application which are as follows:-

(i) That the petitioner who will deposit a bank draft of Rs. 1,20,000/- (One lakh twenty thousand only) in the name of the O.P. No. 2 namely, Sarita Devi before the learned court below within 15 days of the order passed by this Hon'ble Court.

(ii) That the petitioner will submit a fixed deposit in the name of Anjali Kumari D/O Ashok Rawani and Sarita Devi of Rs. 50,000/- (Fifty thousand only) for 13 years that is the period she attend majority and in the aforesaid deposit the mother Sarita Devi will be nominee.

(iii) That O.P. No. 2 (Sarita Devi) will received the bank draft as well as the fixed deposit submitted by the petitioner in the court below after disposal of Sarath (Chitra) P.S. Case No. 26 of 2012 corresponding to G.R. Case No. 77 of 2012 now pending before in the court of Sri D.C. Mishra, learned Judicial Magistrate 1st Class, Madhupur.

(iv) That the petitioner and O.P. No. 2 will file joint compromise petition in the court of Sri D.C. Mishra learned Judicial Magistrate, Madhupur within one month from the date of deposit of bank draft and fixed deposit paper for early and immediate disposal of aforesaid case.

(v) That the O.P. No. 2 will never claim any further maintenance alimony apart from the aforesaid deposit which the petitioner is depositing as per the compromised.

(vi) That both the parties separate them self as per their custom and rites and both of them will have the liberty to marry with another person/lady without any objection from any of the party.

(vii) That the petitioner and the O.P. No.2 will have no further relation their marriage dissolved as per their custom and rites prevailing in their society.

3. The counsel appearing for the petitioner has submitted that if two weeks time is granted to the petitioner from the date of this order i.e. 03.08.2012 to deposit the amount as in terms and conditions made between the parties, he is ready to do so.

4. As submitted above, the petitioner is granted two weeks time to deposit the amount and thereafter, petitioner will surrender within a period of one month from the date of this order i.e. 03.08.2012. If he surrenders within the said period, the trial Court is directed to release him on bail, on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of like amount each to the satisfaction of Judicial Magistrate, Madhupur at Deoghar in connection with (Sarath) Chitra P.S. Case No. 26 of 2012 corresponding to G.R. No. 76 of 2012, subject to the condition that one of the bailors will be local resident having immovable property within the jurisdiction of the District concern and also subject to the conditions laid down u/s 438(2) of the Cr.P.C.

5. However, if both the parties complies the terms and conditions as mentioned in this order quoted from the interlocutory application filed by both the parties and the opposite party files any application for withdrawal of the complaint case then, the trial Court will permit her to withdraw the case filed against the present petitioner.

6. Accordingly, I.A. No. 1190 of 2012 and A.B.A. No. 1574 of 2012 stand disposed of. Learned counsel for the petitioner will deposit the cost of the Fax to communicate this order to the court concerned.