

(2025) 11 MP CK 1934

In the Madhya Pradesh High Court, Indore Bench

Case No : Criminal Revision No. 5523 Of 2025

Gyan Singh

APPELLANT

Vs

Gajendra Devliya

RESPONDENT

Date of Decision : 24-11-2025

Acts Referred:

High Court Of Madhya Pradesh Rules, 2008 — Rule 48
Code Of Criminal Procedure, 1973 — Section 389

Citation : (2025) 11 MP CK 1934

Hon'ble Judges : Gajendra Singh, J

Bench : Single Bench

Advocate : Hemant Kumar Shrama

Final Decision : Dismissed

Judgement

Gajendra Singh, J

1. IA No.15929/25 is preferred for exemption from compliance of Rule 48 of Chapter-10 of the High Court of M.P Rules, 2008 on the ground that the applicant is 65 years old man and his wife has multiple diseases and he is only the care taker of her. The applicant is also suffering from deceases due to his old age. The application is supported by an affidavit of the revision petitioner. No document has been filed in support of the application. He relied on Subhashchandra Tiwari vs. Sandesh Tiwari, order dated 07.07.2023 in CRR No.2178/2023 by the coordinate Bench of this Court.

No document regarding the ailment is on record. Accordingly, mere affidavit does not constitute any exceptional circumstances. In the light of Deepak Sahu vs. State of M.P - 2012 (3) MPLJ 534; Pramod Kumar Dwivedi vs. State of M.P -2021 SCC OnLine MP 5268; Mallu Prajapati vs. State of M.P - 2022 SCC OnLine MP 3533 & Daulat Singh vs. State of M.P - LAWS (SC)-2024-7-111 and the judgment dated 05.08.2025 in Satish Kumar vs. Dharmendra Sharma -Criminal Revision No.1124/25 in Satish Kumar vs. Dharmendra Sharma-Criminal Revision

No.1124/25 of the High Court of M.P Jabalpur and judgment dated 04.09.2025 in Braj Kishore vs. Gouri Shankar (deceased) through Smt.Jaijuvar in Criminal Revision No.2141/2025 reiterated that Rule 48 of Chapter 10 of the High Court of M.P Rules, 2008 is mandatory in nature. The relevant para- 12 of Daulat Singh (supra) is being reproduced as under:

12. Significantly, the legislature having thought it fit to introduce a provision enabling a convict to seek benefit of suspension of sentence pending an appeal did so by enacting section 389 of the Code. The Code has no provision permitting an application to seek exemption from surrender. We are minded to hold that the omission in the Code with regard to providing an avenue for a convict suffering a sentence to seek exemption from surrender, pending a revision, is a conscious act of the legislature.

13. We also find that there are specific provisions in the Supreme Court Rules, 2013 providing for an application for exemption from surrendering to be made, but similar such provision is not otherwise available in the 2008 Rules framed by the High Court.

14. In the light of above, IA No.15929/25 has no substance and is hereby dismissed. The revision petitioner is directed to intimate this Court on 08.12.2025 whether he has surrendered before the trial court or not.

Matte be listed on 08.12.2025.