

(2009) 10 JH CK 0068
In the Jharkhand High Court

Ram Nandan Singh

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 14-10-2009

Acts Referred:

Citation : (2009) 10 JH CK 0068

Hon'ble Judges : Rakesh Ranjan Prasad, J

Bench : Single Bench

Judgement

R.R. Prasad, J.—Heard learned Counsel appearing for the petitioner and learned Counsel appearing for the CBI.

2. This application is directed against the order dated 18.8.2009 passed in R.C. No. 3A of 2001 (supp.) by Special Judge-V, CBI (AHD) Ranchi whereby prayer made on behalf of the petitioner for release of a sum of Rs. 4,84,554.20 in his favour which had been deposited by the petitioner at the time of grant of bail at the initial stage was rejected.

3. It appears that when the petitioner moved for bail, before the Special Judge, CBI, Ranchi on 8.10.2002, submission was made on behalf of the petitioner that he would not be pressing bail on its merit, rather he would seek grant of bail on the ground that he is ready to deposit the amount to the extent of Rs. 4,84,554.20 which has been alleged to have been defalcated by the petitioner and any such deposit would be subject to final decision of the case. On considering the said submission, the petitioner was admitted to bail on the condition of depositing a sum of Rs. 4,84,554.20. It appears that on deposit of the said amount, the petitioner was admitted to bail. However, the petitioner, in course of trial, was found guilty for the offences alleged and was awarded maximum sentence for four years for one of the offences and that apart, the petitioner was also sentenced a fine to pay Rs. 2,10,000/-.

4. Being aggrieved with the said order, the petitioner preferred Cr.App.(SJ) No. 1378 of 2006 wherein the appellant has been admitted to bail on 14.9.2007.

5. Before that, an application was filed before the Special Judge, CBI, Ranchi whereby prayer was made to release the said amount of Rs. 4,84,554.20, which was deposited at the time of grant of bail, as the petitioner had already been convicted but that prayer was refused and being aggrieved with that order, this application has been filed.

6. Learned Counsel appearing for the petitioner submits that though the petitioner is entitled to get the entire money deposited released in his favour but presently he would confine his prayer to release a sum of Rs. 2,74,554.20 which comes out after the fine amount of Rs. 2,10,000/- which is deducted from the amount of Rs. 4,84,554.20 which had been deposited by the petitioner.

7. Learned Counsel further submit; that such concession made on behalf of the petitioner may not be prejudicial to the right of the parties.

8. The said submission, in the facts and circumstances of the case, not only appears to be just and proper but it gives no scope to the learned Counsel appearing for the C.B.I. to take any objection.

9. Thus, the petitioner is entitled to have a sum of Rs. 2,74,554.20 and, therefore, the court below is directed to release the aforesaid amount in favour of the petitioner.

With the aforesaid direction, this application is disposed of.