

Sh. Tara Dutt Vs. Beer Singh.

17.08.2026. Present: Sh. Rajender Kumar, Id counsel for the applicant/appellant.

Heard. The application be registered separately.

The applicant/appellant has moved this application under Section 430 of Bharatiya Nagarik Suraksha Sanhita, 2023 (Section 389 Cr.P.C) for suspension of sentence awarded by the trial court vide judgment of conviction and order of sentence dated 17.07.2026. The applicant/appellant has been convicted and sentenced by Ld. Judicial Magistrate, First Class, Court No. 5, Shimla vide impugned judgment of conviction and order of sentence dated 17.07.2026 for the offence under Section 138 of the Negotiable Instruments Act. The applicant/appellant has been sentenced to undergo simple imprisonment for a period of one year and also to pay fine double of the cheque amount i.e. ₹4,00,000/-. In default of payment of fine, the convict has been further sentenced to under simple imprisonment for six months. After realization of the fine amount, the same shall be paid to the complainant as compensation.

The perusal of grounds of appeal shows that an arguable case appears to be in favour of the applicant/appellant. Since disposal of this appeal is likely to take some time and during trial in the Lower Court applicant was on bail, therefore, the application under Section 430 of Bharatiya Nagarik Suraksha Sanhita, 2023, (Section 389 Cr.P.C) for suspension of the sentence is allowed and the aforesaid sentence of imprisonment awarded by the learned trial court is suspended till final disposal of the appeal subject to deposit of 40% of fine/compensation amount and to furnishing his personal bond to the tune of ₹30,000/- with one surety of the like amount, undertaking

therein to undergo the sentence, if any, ultimately passed against him to the satisfaction of learned trial court within a period of two months from the date of this order.

A copy of this order be transmitted to the learned trial court forthwith. The application is disposed of accordingly and it be tagged with the main appeal file.

(Bhuvnesh Awasthi)
Sessions Judge, Shimla, H.P.

Announced.
17.08.2026.