

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.R. No. 15 of 2020

Gajanand Patel S/o Shri Runguram Patel Aged About 38 Years R/o L I G 205 Janta Colony, Police Station Gudhiyari, District Raipur, Chhattisgarh.

---- Applicant

Versus

1. Mahesh Bramhavanshi S/o Shri R.S. Bramhavanshi, R/o Bajrang Chouck, Mathpara, Raipur, Police Station Purani Basti, District Raipur, Chhattisgarh.
2. State Of Chhattisgarh Through The District Magistrate, District Raipur, Chhattisgarh.

----Respondent

08/01/2020	Mr. Devershi Thakur, Advocate for the applicant. Mr. Sanjay Pathak, P.L. for the State. Heard on I.A. No.01, application under Section 397 (1) of Cr.P.C. This Criminal Revision is filed against the judgment dated 17-12-2019, passed in Criminal Appeal No.333/2019, by the Court of learned 1st Additional District and Sessions Judge, Raipur, District- Raipur, C.G. arising out of the judgment dated 03.05.2019, passed in Criminal Complaint No.246/2014, by the Court of learned Judicial Magistrate First Class, Raipur, District- Raipur, C.G., wherein the applicant has been convicted and sentenced in the following manner:- <table><tr><th><u>Conviction</u></th><th><u>Sentence</u></th></tr><tr><td>U/s. 138 of of Negotiable Instrument Act</td><td>S.I. for 6 months and compensation and fine of Rs.5,65,000/- and in default, further S.I. for 2 months.</td></tr></table> It is submitted by the learned counsel for the applicant that applicant has been falsely implicated in this case. There is no	<u>Conviction</u>	<u>Sentence</u>	U/s. 138 of of Negotiable Instrument Act	S.I. for 6 months and compensation and fine of Rs.5,65,000/- and in default, further S.I. for 2 months.
<u>Conviction</u>	<u>Sentence</u>				
U/s. 138 of of Negotiable Instrument Act	S.I. for 6 months and compensation and fine of Rs.5,65,000/- and in default, further S.I. for 2 months.				

evidence of prosecution against him beyond reasonable doubt. Therefore, the conviction against him is erroneous. The applicant was on bail during the pendency of trial and also during the pendency of appeal. Therefore, looking to the likelihood of delay in final disposal of this revision petition, it is prayed that the sentence of imprisonment as well as compensation amount, which are imposed upon the applicant may be suspended.

Respondent No.1 is yet to be noticed.

State counsel opposes the application and makes formal objection.

Considering that the applicant had been on bail during the trial as well as during the course of appeal and there is likelihood of delay in listing of this revision petition for final hearing, therefore, this application is allowed with condition that the applicant shall make payment of 20% of fine amount of compensation imposed upon him and the remaining part of compensation amount shall remain suspended.

Accordingly, I.A. No. 01, application under Section 397 (1) of Cr.P.C., is allowed.

It is directed that the jail sentence imposed upon the appellant shall remain suspended during the pendency of this criminal revision and he shall be released on bail on his payment of 20% of fine amount imposed upon the applicant and on furnishing a personal bond in the sum of Rs.25,000/- with one surety in like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court on **23rd March, 2020**. He shall thereafter appear before the trial Court on a date to be given by the Registry

of this Court and shall continue to appear there on all such subsequent dates as are given to him by the said Court, till disposal of this criminal revision.

Issue notice to the respondent No.1. Process fee as per rules.

Notice be made returnable within three weeks.

Call for the record of the Court below.

List this case after three weeks.

Sd/-
(Arvind Singh Chandel)
Judge

Balram