

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRR No. 925 of 2017

Dilip Kumar, S/o. Shyamlal, Aged About 36 Years, R/o. Village Umarpoti, Near Chandel Provision Stores, Police Station Utai, Durg, District Durg, Chhattisgarh.

---- Applicant

Versus

1. Virendra Shrivastava, S/o. M.K. Shrivastava, Aged About 37 Years, R/o. Subhash Nagar, Tahsil & District Durg, Chhattisgarh(Complainant)
2. State Of Chhattisgarh, Through District Magistrate Durg, District Durg, Chhattisgarh.

----Respondent

27.09.2017	Mr. R.K.Bhagat, Advocate for the Applicant. Mr. S.R.J.Jaiswal, Panel Lawyer for the State/ Respondent No.2. Heard Admit Call for the record. Issue notice to the Respondent No.1, as per rules. Also heard on I.A.No.1, application for suspension of sentence and grant of bail. The applicant stands convicted by the judgment dated 21.09.2017 passed in Criminal Appeal No.46/2017 by the learned Seventh Additional Sessions Judge, Durg (C.G.) for the offence punishable under Section 138 of N.I. Act and sentenced him to undergo 1 month S.I. and compensation amount of Rs.18,100/- with further default stipulation. Learned counsel for the applicant would submit that the sentence awarded is only for 1 month, the applicant is in jail since 15.09.2017 and the revision will take some time for hearing on merits, therefore, the applicant may be released on bail.

Per contra, learned State counsel opposes the prayer for suspension of sentence and grant of bail.

Considering the period of sentence i.e. 1 month and the fact that applicant is in jail since 15.09.2017 and the revision will take some time for hearing, I am inclined to suspend the sentence and release the applicant on bail.

Accordingly, I.A.No.1, application for suspension of sentence and grant of bail is allowed.

Execution of further substantive jail sentence imposed on applicant shall remain suspended and he is directed to be released on bail on his executing a personal bond for a sum Rs.25,000/- with one surety for the like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court on **07th December, 2017**. 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 the disposal of this revision.

Certified copy, today.

Sd/-
(Goutam Bhaduri)
Judge