



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 291 of 2025

1 - Pramod Pandey S/o Late Sarvajit Pandey Aged About 52 Years R/o Lotus 375, Talpuri International Colony, Thana Bhilai Nagar, District-Durg (C.G.) (Accused)

... Petitioner

versus

1 - Saheli Jewelers Bazar Chock Utai, District Durg, Pro. Bharat Jain, S/o Madan Jain Aged About 42 Years, R/o Mahaveer Colony Durg, P.S. Mohan Nagar Durg, District Durg (C.G.) (Respondent)

... Respondent

Order Sheet

05/03/2025	Mr. T.K. Jha, Counsel for the applicant. Heard on admission. Admit. Issue notice to the respondent on payment of process fee as per rules. Also heard on I.A. No. 01/2025, an application for suspension of sentence and grant of bail under Section 438 of BNSS, 2023. By the impugned judgment dated 28.01.2025 passed by learned First Additional Sessions Judge, District- Durg,

(C.G.) in Criminal Appeal No. 347/2023 arising out of judgment dated 22.11.2023 passed by learned JMFC, Durg (C.G.) in Criminal Case No. RCC/8506/2015 convicted and sentenced as under:

<u>Conviction</u>	<u>Sentence</u>
U/s 138 of N.I. Act	SI for 01 month and fine of Rs. 71,890/- and in default of payment of fine Additional SI for 1 month.

Learned Counsel for the Applicant contended that the applicant has prima facie good case in his favor and he is hopeful to succeed on it. He would next contend that the financial condition of the applicant is very bad and even he has no money to deposit the electricity bill and is living in darkness. The disposal of this Criminal Revision is likely to take long time. The applicant is ready to abide all the terms and conditions which may be imposed by this Hon'ble Court while suspending the jail sentence of the applicant.

I have heard learned Counsel for the applicant and perused the record with utmost circumspection.

Considering the totality of the facts, in particular the short sentence awarded to the applicant and he has not misused the liberty granted by the concerned Court and the period of detention without further commenting on merits, I am of the opinion that present is a fit case to suspend the jail sentence imposed upon the appellant.

Therefore, the accused shall deposit 20% of the compensation amount, i.e., Rs. 71,890/- before the Trial Court on that condition the remaining sentence imposed upon the appellant shall remain suspended during the pendency of this criminal revision and he shall be released on bail on executing a bail bond of **Rs. 10,000/- with two sureties** for the like sum to the satisfaction of the concerned Trial Court and he shall appear before the Registry of this Court on **11.04.2025**. Thereafter, he shall appear before the concerned 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 Trial Court, till final disposal of this appeal.

Consequently, I.A. No. 01/2025 stands **allowed**.

Call for the records from the concerned Trial Court.

List this case for final hearing in due course.

SD/-

(Arvind Kumar Verma)

Judge