



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 282 of 2024

Manoj Giri Son Of Late Kuber Giri Aged About 53 Years Resident Of Durpa Road, Plice Station - City Kotwali, Korba, Tahsil And District - Korba, Chhattisgarh.

---- Petitioner

versus

Ashok Kumar Agrawal Son Of Shri R.S. Agrawal Aged About 60 Years Resident Of T.P. Nagar, Korba, Tahsil And District - Korba, Chhattisgarh.

---- Respondent

CRR No. 281 of 2024

Shardanand Rathore S/o Govind Ram Rathore Aged About 50 Years Resident Of Ward No. 21, Kabir Chowk Kashinagar, Korba, Tahsil And District Korba (C.G.),...(Accused)

----Petitioner

Versus

Balaji Associates Through The Proprietor - Harishankar Agrawal, Son Of Late Navrang Lal Agrawal, Address - 154 Indira Commercial Complex, T.P. Nagar, Korba, Tahsil And District Korba (C.G.),...(Complainant)

---- Respondent

CRR No. 287 of 2024

Shardanand Rathore S/o Govin Ram Rathore, Aged About 50 Years R/o Ward No. 21, Kabir Chowk Kashinagar, Korba, Tahsil And District Korba Chahttisgarh (Accused)

----Petitioner

Versus

Ashok Kumar Agrawal S/o Shri R.S. Agrawal, Aged About 60 Years R/o T.P. Nagar, Korba Tahsil And District Korba Chhattisgarh.

---- Respondent

CRR No. 285 of 2024

Manoj Giri S/o Late Kuber Giri, Aged About 53 Years Resident Of Durpa Road, Police Station City Kotwali, Korba, Tahsil And District- Korba (C.G.)

----Petitioner

Versus

Balaji Associates, Through The Proprietor- Harishankar Agrawal S/o Late Navrang Lal Agrawal, R/o 154, Indira Commercial Complex, T.P. Nagar, Korba, Tahsil And District Korba (C.G.)

---- Respondent

02.08.2024	Mr. Samsun Samual Masih, counsel for the applicant. Mr. Sanjay Patel, counsel for the respondent. Heard on application for suspension of sentence and grant of bail. These criminal revisions have been filed being aggrieved by the order dated 29.02.2024 passed by the learned First Additional Sessions Judge, Korba, District- Korba (C.G.) in Criminal Appeal Nos. 10, 12, 11, 13 of 2024, arising out of the judgment dated 11.01.2024 passed by learned Judicial Magistrate First Class, Korba, District- Korba (C.G.) in Criminal Case Nos. 682, 741, 681, 740 of 2017, whereby the applicants have been convicted and sentenced under Section 138 of the NI Act as follows: <table><tr><th>Case No.</th><th></th><th>Sentence</th></tr><tr><td>CRR No. 282 of 2024</td><td>:</td><td>S.I. for 03 months and compensation of Rs. 5,00,000/- U/s 357(3) of Cr.P.C. payable to the respondent.</td></tr><tr><td>CRR No. 281 of 2024</td><td>:</td><td>S.I. for 02 months and compensation of Rs. 3,00,000/- U/s 357(3) of Cr.P.C. payable to the respondent.</td></tr><tr><td>CRR No. 287 of 2024</td><td>:</td><td>S.I. for 03 months and compensation of</td></tr></table>	Case No.		Sentence	CRR No. 282 of 2024	:	S.I. for 03 months and compensation of Rs. 5,00,000/- U/s 357(3) of Cr.P.C. payable to the respondent.	CRR No. 281 of 2024	:	S.I. for 02 months and compensation of Rs. 3,00,000/- U/s 357(3) of Cr.P.C. payable to the respondent.	CRR No. 287 of 2024	:	S.I. for 03 months and compensation of
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CRR No. 287 of 2024	:	S.I. for 03 months and compensation of											

		Rs. 5,00,000/- U/s 357(3) of Cr.P.C. payable to the respondent.
CRR No. 285 of 2024	:	S.I. for 02 months and compensation of Rs. 3,00,000/- U/s 357(3) of Cr.P.C. payable to the respondent.

Learned counsel for the applicants would submit that the applicants are innocent and have been falsely implicated in the crime in question. He would further submit that the applicants have not issued any cheque or entered into any agreement with the complainants. He would further submit that the applicants have returned the money to the complainants in cash, the applicant Manoj Giri is in jail since Friday i.e. on 02.08.2024 and the applicant Shardanand Rathore has surrendered before the trial Court today itself, the present criminal revision have been filed on 07.03.2024 and there is likelihood of delay in final hearing of these revision petitions, therefore, it is prayed that the application for suspension of sentence and grant of bail to the applicants may be allowed.

Considering the submission of the learned counsel for the applicant and considering the fact that the sentence imposed upon the applicants is S.I. for 2-3 months only and there is likelihood of delay in final hearing of this revision petition, I am inclined to allow the application for suspension of sentence and grant of bail.

Accordingly, application for suspension of sentence and grant of bail are allowed subject to payment of Rs. 2,00,000/- against fine of Rs. 5,00,000/- in CRR No. 282 of 2024 & CRR No. 287 of 2024 and Rs. 1,25,000/- against fine of Rs. 3,00,000/- in CRR No. 281 of 2024 & CRR No. 285 of 2024. The amount so deposited shall not be disbrused without leave of this Court. It is directed that on deposit of aforesaid payment, the execution of substantive jail sentence of the applicants shall remain suspended and they be released on bail on executing personal bond in sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of trial Court in each case separately for their

<i>Bhumika</i>	appearance before the Registry of this Court on 18th September, 2024. Thereafter, they shall appear before the trial Court on the date to be given by the Registry of this Court and shall continue to appear before the trial Court on all such subsequent dates as are given to them till the disposal of this revision. List this case for final hearing on 17th October, 2024 in motion hearing. Certified copy today itself. Sd/- (Narendra Kumar Vyas) Judge
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