

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Criminal Revision No.386 of 2018

Rampyare Yadav, S/o Shri Rammurat, aged about 48 years, R/o Qtr. No.E/05, S.E.C.L. Colony, 15 Block, Korba, District Korba, Chhattisgarh

---- Applicant

versus

Vedprakash, S/o Ramkumar, aged about 29 years, R/o Qtr. No.R.H.-16, P.W. Colony, Rampur, District Korba, Chhattisgarh

---- Respondent

9.4.2018	Shri Dharmesh Shrivastava, Advocate for the Applicant. Heard on admission. The revision is admitted for hearing. Issue notice to the Respondent on payment of process fee as per rules. Also heard on I.A. No.1 for suspension of sentence and grant of bail to the Applicant. Vide judgment dated 3.8.2017 passed in Criminal Case No.1957 of 2014 by the Judicial Magistrate First Class, Korba, the Applicant has been convicted under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for 6 months and to pay compensation of Rs.6,35,000/- to the Complainant under Section 357(3) of the Code of Criminal Procedure with default stipulation. The judgment of conviction and sentence has been affirmed in appeal vide judgment dated 22.3.2018. Learned Counsel appearing for the Applicant submits that the Applicant is in jail since 22.3.2018. During trial and appeal, he was on bail. There is nothing on record on the basis of which he could be sentenced. There is no possibility of early final hearing of the instant revision. Therefore, the sentence imposed upon the Applicant may be suspended and he may be released	

on bail.

Learned Counsel appearing for the State opposes the bail application.

I have heard Learned Counsel appearing for the parties and perused the material available with due care.

Having heard Learned Counsel appearing for the parties and considering the fact that during trial and appeal, the Applicant was on bail, he is in jail since 22.3.2018 and adjudication of the instant revision is likely to take time, I am inclined to release him on bail.

Accordingly, I.A. No.1 is allowed.

It is directed that the substantive jail sentence imposed upon the Applicant shall remain suspended during pendency of the revision and he shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one local surety of the like sum to the satisfaction of the concerned Trial Court. It is further directed that out of the total amount of compensation of Rs.6,35,000/-, the Applicant shall deposit in the Trial Court an amount of Rs.1,75,000/- within two months from the date of receipt of a copy of this order for payment thereof to the Complainant. It is made clear that no extension of time shall be granted in this regard and in case of failure to deposit the aforesaid amount within the stipulated period, the instant order of bail shall automatically stand cancelled.

Personal appearance is dispensed with.

Call for the records of the Courts below.

List the revision after service report of the notice is received.

Sd/-

(Arvind Singh Chandel)
Judge