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HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 739 of 2025

DAULATRAM SAHU **versus** PANCHAM DAS SHASTRI

Order Sheet

06/08/2025	Mr. Dashrath Kushwaha, counsel for the applicant. Heard on admission. Admit. Call for records of the trial Court as also the appellate court records. Issue notice to the respondent by ordinary as well as registered mode. PF be paid within one week. Also heard on IA No.01/2025 for grant of interim relief. In Complaint Case No. 957 of 2019, the JMFC, Dhamtari, District Dhamtari has passed the order dated 27.02.2024 whereby the applicant was convicted u/s 138 of NI Act and sentenced to undergo RI for 3 months and to pay a compensation of Rs. 80,000/- with further default stipulation.
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However, in appeal the learned ASJ (Dhamtari (C.G.) by order passed in Cr.A.No. 31/2024 dated 08.04.2025 set aside the jail sentence imposed by the trial Court and converted the said 3 months jail sentence to imprisonment till rising of the Court and further converted the compensation amount of Rs.80,000/-into Cheque amount of Rs.2,94,525/- (Ex.P.1) as found by the trial Cour which shall be paid to the respondent within a period of 1 month, failing which, the applicant shall undergo simple imprisonment for 3 months.

Learned counsel for the applicant submits that there is no material on record on the basis of which applicant's conviction can be sustained. He submits that pursuant to the appellate court order, he has already deposited compensation of Rs.16,000/- and prays that compensation/fine sentence of the petitioner be suspended till final disposal of the case and further he may not be forced to deposit the compensation.

Considering the facts and circumstances of the case and the cheque amount is of Rs.2,94,525/-, at this stage, I.A.No.1/2025 is allowed subject to applicant's depositing 50% of the cheque amount by the applicant within a period of 30 days from today and further on his furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court, the

Rao	sentence shall remain suspended. If any amount of compensation has already been deposited, the same shall be adjusted in 50% deposit. On depositing 50%, the recovery of the remaining amount of compensation, shall remain stayed till final decision of the case. After due verification, the complainant would be at liberty to withdraw the amount to be so deposited by the applicant with a condition to return the said amount whenever the Court directs. Accordingly, I.A. No. 01/2025 is disposed of. List this case after six weeks. Certified copy as per Rules. Sd/- (Sanjay Kumar Jaiswal) Judge
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