



2026:CGHC:9400



2026:CGHC:9400

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 122 of 2016

1 - Pankaj Ahuja S/o Late Sunil Ahuja Aged About 23 Years R/o House No. 240, Sector - 7, P.N.P/84, New Rajendra Nagar, Tahsil And District Raipur Chhattisgarh

... **Applicant**

versus

1 - State Of Chhattisgarh Through District Magistrate, Raipur Chhattisgarh

2 - Navneet Singh S/o Kuldeep Singh R/o Nayapara, Phool Chowk, Raipur, Tahsil And Distt. Raipur Chhattisgarh (Complainant)

... **Respondents**

For Applicant : Mr. Naveen Shukla, Advocate appears on behalf of Ms. Smita Jha, Advocate

For Respondent No.1/State : Mr. Narayan Prasad, PL

For Respondent No.2 : Mrs. M. Asha, Advocate

Hon'ble Shri Justice Radhakishan Agrawal

Order on Board

23/02/2026

Heard

1. This criminal revision preferred by the applicant under Section 397 read with Section 401 of Cr.P.C is directed against the judgment dated 04.02.2016 passed by the learned First Additional Sessions Judge, Raipur in Criminal Appeal No.140/2014 whereby, the learned appellate Court dismissed the appeal of the applicant while affirming the judgment dated 16.05.2014 passed in Criminal Case No.510/2012 by



the Judicial Magistrate First Class, Raipur convicting the applicant under Section 138 of the Negotiable Instruments Act and sentencing him to undergo SI for 6 months and to pay compensation of Rs.2 lacs to the complainant under Section 357(3) of Cr.P.C.

2. The case of the prosecution, in brief, is that the applicant had taken a loan of Rs.2 lacs from respondent No.2/complainant and in order to repay the said amount, issued Cheque No.467794 dated 10.06.2012. However, when the said cheque was presented for encashment on 05.07.2012, the same got dishonoured due to 'Exceeds Arrangement' vide memo dated 06.07.2012. Thereafter, the complainant sent a legal notice to the applicant demanding payment, but the payment was not made within the stipulated period. Consequently, Criminal Complaint was filed under Section 138 of the Negotiable Instruments Act.
3. Learned Judicial Magistrate First Class and appellate Court, after appreciation of oral and documentary evidence, convicted and sentenced the applicant as mentioned in opening paragraph. Hence, this revision.
4. Learned counsel appearing for the applicant submits that he is not challenging the conviction part of the applicant and confines his argument to the sentence part only, which according to him is on higher side. He submits that the applicant was in jail from 04.02.2016 to 10.02.2016, i.e., for 7 days and he is facing the *lis* since 2012 i.e., for more than 13 years and that there are no criminal antecedents against him. He further submits that fine amount has already been deposited. On these premises, it is prayed by counsel for the applicant that the jail sentence awarded to applicant may be reduced to the period already undergone by him.



5. On the contrary, learned State Counsel as well as counsel for respondent No.2 oppose the revision and support the impugned judgment.
6. I have heard learned counsel appearing on behalf of the parties and perused the record.
7. Considering the statements of the complainant- Navneet Singh and the material documents available on record, I am of the considered opinion that both the learned Courts were right in convicting the applicant and I hereby affirm the same.
8. As regards the sentence part, considering the facts and circumstances of the case and further considering the fact that the applicant remained in jail for a period of 7 days and is facing the */is* since 2012 i.e., for more than 13 years and that there are no criminal antecedents against him, I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon applicant, the jail sentence awarded to him is reduced to the period already undergone by him. However, the compensation amount granted to the victim/complainant shall remain intact. Ordered accordingly.
9. Consequently, the revision is partly allowed.
10. Since the applicant is reported to be on bail, therefore, his bail bonds shall remain in force for a period of six months from today in view of provision of Section 481 of B.N.S.S. 2023.

Sd/-

(Radhakishan Agrawal)
JUDGE