



2026:CGHC:3949



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 620 of 2016

Philips Joseph S/o A. M. Joseph Aged About 52 Years R/o Badiyatola, Ward No. 6, Dongargarh, Distt. Rajnandgaon, Chhattisgarh **... Applicant**

versus

1 - Janrol Singh Arora S/o Deshraj Arora Aged About 40 Years R/o Kandupara, Dongargarh, Distt. Rajnandgaon Chhattisgarh (Complainant)

2 - State Of Chhattisgarh Through The District Magistrate, Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh **... Respondents**

For Applicant	: Shri Dinesh Yadav, Advocate.
For Respondent 1	: Smt. Bhavika Kotecha, Advocate.
For Respondent 2/State	: Shri Rajkumar Sahu, Panel Lawyer.

(HON'BLE SHRI JUSTICE RADHAKISHAN AGRAWAL)

Order on Board

22/01/2026

Heard.

1. This criminal revision petition filed under Section 397 read with Section 401 of Cr.P.C. is directed against the judgment of conviction and order of sentence dated 29.06.2016 passed by the Court of Additional Judge, Dongargarh to the learned 1st Additional Sessions Judge, Rajnandgaon, C.G. in Criminal Appeal No.02/2009 whereby the appellate Court while affirming the conviction of the applicant under Section 138 of the Negotiable Instruments Act (for short, the NI Act) and sentence of SI for 6 months, enhanced the fine amount to Rs.1,00,000/- from Rs.5,000/- and maintained the default sentence of SI for 3 months, as passed by the Judicial Magistrate First Class, Dongargarh vide judgment dated 31.03.2009 passed in Criminal Case No.472/2003.



2. Brief facts of the case, in short, are that the complainant and the accused/applicant both are acquainted each other and the applicant/accused had borrowed a sum of Rs.1,65,000/- from the respondent/complainant, but the said amount has not been repaid to the respondent, thereafter, the applicant issued a cheque amounting to Rs.97,000/- which was presented by the complainant in the Bank, however, the same was dishonoured. The respondent/complainant filed a complaint against the applicant under Section 138 of the NI Act before the Court of J.M.F.C. Dongargarh.

3. The learned J.M.F.C. vide its judgment dated 31.03.2009 recorded finding of conviction and sentence of the applicant and in appeal, the learned appellate Court modified the judgment dated 31.03.2009, as mentioned in para 1 of this order.

4. Learned Counsel appearing for the applicant submits he does not want to challenge the conviction of the applicant and confines his argument to the sentence part only, which according to him is on higher side. He further submits that the applicant remained in jail since 29.06.2016 to 08.07.2016 i.e. for 10 days, he has no criminal antecedents and that he is facing the */is* since 2003, i.e. for more than 22 years. He further submits that out of the fine amount of Rs.1,00,000/-, an amount of Rs.50,000/- has already been deposited before the concerned Court. Therefore, the jail sentence awarded to the applicant may be reduced to the period already undergone by him.

5. On the contrary, learned counsel for the respondent No.1 vehemently opposes the submissions of the learned counsel for the applicant, while submitting that the trial Court as well as the appellate Court have rightly convicted the applicant and there is no ground for further reducing the jail sentence imposed upon the applicant, while learned counsel for respondent No.2/State supports the impugned judgment.

6. I have heard learned counsel appearing on behalf of the parties and perused the record.

7. Considering the statement of complainant (P.W.1) Janrol Singh Arora and other evidence and exhibited documents available on record, both the learned trial Court and appellate Court, after appreciating the evidence and material available on record, have rightly convicted the applicant and I hereby affirm the same.



8. So far as quantum of sentence is concerned, considering the above facts and circumstances of the case, particularly, considering the fact that the applicant has undergone jail sentence for a period of 10 days, he is facing the lis since 2003, i.e., for more than 22 years and there is no criminal antecedents against him, I am of the view that ends of justice would be met if the applicant is sentenced to the period already undergone by him.

9. Consequently, the revision is partly allowed. The conviction of the applicant under Section 138 of N.I.Act is affirmed and he is sentenced to the period already undergone by him, however, fine sentence and default sentence imposed under the said offence is affirmed. It is made clear that the remaining fine amount shall be paid by the applicant within a period of 30 days from today, failing which, he would suffer additional default sentence as imposed by the learned trial Court.

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 Bhartiya Nagrik Suraksha Samhita, 2023.

Sd/-
(Radhakishan Agrawal)
JUDGE