



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 851 of 2025

1 - Shyamlal Khurana S/o Lakhuram Khurana, Aged About 38 Years R/o Jamgahan, Police Station Bilaigarh, District Sarangarh-Bilaigarh (C.G.).

... Applicant

versus

1 - Baratram Tandan S/o Lakshman Tandan Aged About 67 Years R/o Village Banahil, Police Station Bilaigarh, District Sarangarh-Bilaigarh (C.G.)

... Respondent

15/07/2025	<p>Mr. Vikram Pratap, Advocate for the Applicant.</p> <p>Heard on admission.</p> <p>Admit.</p> <p>Issue notice to the respondent on payment of PF as per rules.</p> <p>Also heard on I.A. No.01/2025, application under Section 438(1) of BNSS for suspension of sentence and stay of compensation amount.</p> <p>By judgment dated 27.12.2021 passed by Judicial Magistrate First Class, Bilaigarh, District-Balodabazar-Bhatapara (now District Sarangarh-</p>
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Bilaigarh) (C.G.) in Complaint Case No. 192/2019, the applicant has been convicted for offence punishable under Section 138 of Negotiable Instrument Act and sentenced to undergo R.I. for 2 years and to pay a compensation of Rs. 2,00,000/- and in default thereof, he shall liable to undergo 6 months rigorous imprisonment.

Being aggrieved by the said judgment, the applicant preferred an appeal, i.e. Criminal Appeal No.08/2023, wherein by the impugned order dated 07.07.2025 passed by learned Additional Sessions Judge, District - Sarangarh-Bilaigarh (C.G.) the impugned order passed by learned JMFC, has been partially modified and the jail sentence of the applicant has been reduced to S.I. for 6 months from R.I. for 2 years. However, the fine/compensation of Rs.2,08,000/- has been imposed upon the applicant with a default stipulation of S.I. for 1 month.

Learned counsel for the applicant submits that there is no material on record on the basis of which the applicant's conviction can be sustained. The applicant has a good prima facie case in his favour, and the applicant is in jail since 07.07.2025, and the applicant has already paid Rs. 40,000/- before the learned trial Court on 25.01.2022 (Annexure-A-3). Therefore, the recovery of compensation may be suspended, and the applicant may be released on

bail till final disposal of the case.

Considering the facts and circumstances of the case, as also the fact that the applicant has been punished with a short sentence of 6 months and a compensation of Rs. 2,08,000/-, and the applicant is in jail since 07.07.2025 and he has already deposited Rs.40,000/-, at this stage, I am inclined to allow I.A. No.1/2025 subject to deposit 50% of the cheque amount by the applicant within a period of 30 days from today. The recovery of the remaining compensation amount shall remain stayed till the final disposal of the instant revision.

As per the counsel for the applicant Rs. 40,000/- (Annexure-A-3) has already been deposited by the applicant towards fine/compensation. Hence, the same shall be adjusted.

After due verification, the complainant would be at liberty to withdraw the amount deposited by the applicant with a condition to return the said amount whenever the Court directs.

Accordingly, IA No.1/2025 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 his furnishing a personal bond of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned trial Court, for his

appearance before the Registry of this Court on **15th September 2025**. Thereafter, he shall appear before the concerned trial Court on the date given by the Registry of this Court and continue to appear there till final disposal of this revision.

Call for records of the trial Court.

List this case in its chronological order.

Sd/-
(Sanjay Kumar Jaiswal)
Judge