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HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 908 of 2025

1 - Aseem Chakravarti S/o Ashish Chakravarti, Aged About 45 Years, R/o Urga Housing Board Colony, Quarter No. L I G 1/f, Thana-Urga, Tahsil And District Korba C.G.

... Applicant

versus

1 - Khushendra Maitri S/o Rameshwar Singh Maitri Aged About 34 Years R/o Village Dhongdarha Tahsil And District Korba C.G.

... Respondent

Order Sheet

28/07/2025	Mr. Sumit Shrivastava, Advocate for the Applicant. Heard on admission. Admit. Issue notice to the respondent on payment of process fee as per rules. Also heard on IA No.01/2025 application under Section 438 of BNSS for suspension of sentence/fine and grant of bail. By the impugned judgment dated 17.07.2025 passed by learned 01st Additional Sessions Judge, Korba, District Korba (C.G.) in Criminal Appeal No. 27/2025, the learned ASJ has affirmed the
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judgment dated 18.03.2025 passed by the learned JMFC, Korba in Criminal Case No. 1127/2022 and dismissed the appeal. The conviction and sentence of the petitioner are as under :

Conviction	Sentence
u/s 138 of the Negotiable Instruments Act, 1881	Rigorous imprisonment for one year and compensation of Rs.3,75,000/- and in default of payment of compensation amount, additional rigorous 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. During trial the applicant was on bail and did not misuse the liberty granted to him and now he is in jail since 17.07.2025, therefore, the conviction and sentence of the applicant may be suspended till final disposal of the case and he may be enlarged on bail and further he may not be forced to deposit the compensation amount during pendency of this petition.

Considering the facts and circumstances of the case, as also the judgment of learned JMFC which has been affirmed by the Appellate Court and further considering that the applicant is in jail since 17.07.2025, the cheque amount is of Rs. 3,00,000/-, at this stage, I am inclined to allow I.A. No.1/2025 subject to applicant's depositing 50% of the cheque amount i.e. 1,50,000/- by the applicant

within a period of 60 days from today. He is also directed to be released on bail on his executing a personal bond in sum of Rs. 25,000/- to the satisfaction of the trial Court for his appearance before the Registry of this Court on **01-09-2025** and thereafter he shall appear before the concerned trial Court on a date to be given by the Registry of this Court and shall continue to appear before the trial Court on all such subsequent dates as are given to him by the said Court till disposal of this case. The substantive jail sentence imposed upon the applicant shall remain suspended, till final decision of the case.

On depositing the said 50% amount, the recovery of the remaining amount of compensation, shall also remain suspended, 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.
Call for records of the trial Courts.

Sd/-

(Sanjay Kumar Jaiswal)
Judge