

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRR No. 1033 of 2023

Ujjawal Collection Circular Market, Camp-02, Power House, Bhilai, P.S. Chhawani, Bhilai, District Durg, Chhattisgarh.

---- Applicant

Versus

Sanjay, S/o Laxman Das Bharani, aged about 50 years, Owner Minakshi Suits, Textile Market, Gate No.11, in front of Shulabh Toilet Complex, Pandari, Raipur, P.S. Devendra Nagar, Raipur, Chhattisgarh.

---- Non-applicant

17.10.2023	Mr. Tarendra Kumar Jha, Advocate for the applicant. The service report of the notice issued to the non-applicant is still awaited. Heard on I.A. No.1/2023, application for grant of stay. By an order dated 28.01.2023 passed by the Judicial Magistrate First Class, Durg (C.G.) (hereinafter referred to as "trial Court") in R.C.C. No.1832/2015, the applicant stands convicted under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo simple imprisonment for one year with fine of Rs.8,00,000/-, in default of payment of fine amount, additional simple imprisonment for three months. Being aggrieved by the said order, the applicant preferred appeal i.e. Criminal Appeal No.57/2023 and vide order dated 21.08.2023, the Additional Sessions Judge, Durg (C.G.) (hereinafter referred to as "Appellate Court"), partly allowed the appeal and while maintaining the conviction of the applicant under Section 138 of the N.I. Act, reduced the sentence awarded by the trial

Court till the rising of the Court.

Learned counsel for the applicant submits that the applicant has been deposited 20% of the amount, out of total compensation of Rs.8,00,000/-, hence, orders passed by the trial Court and Appellate Court shall remain stayed till final disposal of this criminal revision.

On due consideration and considering the reasons mentioned in the application (I.A. No.1/2023), the same is allowed and it is directed that the effect and operation of the impugned order dated 28.01.2023 passed by the trial Court and order dated 21.08.2023 passed by the Appellate Court, shall remain stayed till final disposal of instant criminal revision subject to applicant's depositing 50% of the cheque amount i.e. Rs.3,31,000.50 before the concerned trial Court within a period of 60 days from today. If any amount has already been paid in this regard. the same shall be adjusted.

After due verification, the complainant would be at liberty to withdraw the 50% deposited amount by the applicant with a condition to return the said amount whenever the Court would direct.

However, if any of the conditions enumerated herein above will be flouted by the applicant, this order granting stay to him shall stand cancelled without any further reference to the Bench.

Call for the record.

List the case in the week commencing 06.11.2023.

Sd/-

**(Sanjay Kumar Jaiswal)
Judge**

Yogesh