

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRR No. 1068 of 2022

- Benuram Sahu, S/o Khagpati Sahu, Aged About 65 Years, R/o Village Kataud, Via Dabhra, Tahsil Dabhra, District : Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

- Pradeep Kumar Pandey, S/o Late Gopal Prasad Pandey, Aged About 52 Years, R/o House No. E-412, Kailash Vihar, CSEB Colony Darri, P.S. Darri, Tahsil Katghora, District : Korba, Chhattisgarh.

---- Non-Applicant

20.10.2022	Shri Aditya Khare, counsel for the applicant. Heard. Admit. Issue notice to the non-applicant on payment of PF by ordinary as well as registered mode. Call for record of the Courts below. Also heard on I. A. No.1 application for suspension of sentence and grant of bail to the applicant. The applicant has been convicted under Section 138 of Negotiable of Instrument Act and sentenced to undergo S.I. for 2 years with fine/compensation of Rs. 4,50,000/- by the lower Appellate Court i.e. Second Additional Sessions Judge, Katghora, District- Korba (CG) in Criminal Appeal No.16/2021 on 10.10.2022. Learned counsel for the applicant submits that the applicant has been sentenced to undergo S.I. for 2 years and to pay fine of Rs.4,50,000/- and in default he has to suffer S.I. for 6 months, he is in jail

since 10.10.2022. He further submits that applicant is ready to deposit 50% of the fine amount i.e. 2,25,000/- before the learned trial Court.

Considering the short sentence i.e. 2 year SI has been inflicted upon the applicant with fine of Rs.4,50,000/-, he is in jail since 10.10.2022 and now he is ready to deposit 50% of the fine amount i.e. Rs. 2,25,000/-, I am inclined to allow the application (I.A.No.1) subject to deposit of 50% of the fine amount i.e. Rs.2,25,000/- before the learned trial Court before furnishing the bail bond.

Accordingly, I. A. No.01, application for suspension of sentence and grant of bail is allowed and remaining part of the fine amount i.e. Rs. 2,25,000/-shall remain stayed till the final disposal of this revision.

It is directed that the execution of jail sentence inflicted upon the applicant shall remain suspended during the pendency of this revision and he shall be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/-** with one surety in the like sum to the satisfaction of the trial Court.

The applicant shall appear before the Registry of this Court on **20.12.2022** and continue to appear there on all such dates as are given to him by the Registry of this Court till disposal of this criminal revision.

List the case for final hearing.

**Sd/-
(Rakesh Mohan Pandey)
Judge**