



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 1035 of 2025

1 - Sundarlal Bharia S/o Shri Kondra Bhariya, Aged About 65 Years R/o Village Kudkai, Police Station And Tehsil Pendra, District- Gaurela Pendra Marwahi Chhattisgarh. (Accused)

... Applicant(s)

versus

1 - Rakesh Kumar S/o Jodhiram Kashyap Aged About 35 Years R/o Village Kudkai, Police Station Pendra, Tehsil Pendra, District- Gaurela-Pendra Marwahi, Chhattisgarh. (Complainant)

... Respondent(s)

Order on Board

25/09/2025	Mr. Siddharth Pandey, learned counsel for the applicant. Revision is admitted for hearing. Call for the record of the trial Court as well as the appellate Court. Issue notice to the Respondent on payment of process fee as per rules. Also heard on I.A. No. 1 of 2025 which is an
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application for suspension of sentence and grant of bail.

This Criminal Revision is filed being aggrieved by the judgment dated 01.08.2025 passed by learned Addl. Sessions Judge, Pendra Road, Dist- Bilaspur in Cr. A. No. 51/2024 whereby the sentence awarded by the learned Judicial Magistrate First Class, Pendraroad, Dist- Bilaspur in complaint case No. 345/2023, under Section 138 of the Negotiable Instruments Act, granting simple imprisonment of 6 months and compensation of Rs. 2,50,000/- with default stipulation has been affirmed.

Learned counsel for the applicant would submit that applicant has been convicted for the offence under Section 138 of the N.I. Act and the period of sentence awarded to the applicant is of six months. An amount of Rs. 2,50,000/- has also been awarded against him as compensation payable to the complainant. He would further submit that offence of Section 138 of N.I. Act does not provide any minimum sentence. Compensation has already been awarded, during trial, as well as appeal, the applicant was on bail, and not misused the liberty. Revision is of the year 2025 and final adjudication of the case will take its own time. Hence, the application for grant of bail may be allowed.

On the other hand, learned State counsel opposes the bail application.

Considering the submission of the learned counsel for the parties, also considering the nature of allegation, as also the fact that there is no minimum sentence for the offence under Section 138 of N.I. Act, the revision is of the

year 2025 and final adjudication of the case will take its own time, it am inclined to allow the application for suspension of sentence and grant of bail to the applicant.

Accordingly, the I.A. No. 01/2025, application for suspension of sentence and grant of bail is **allowed**.

It is directed that execution of further substantive jail sentence of the applicant – **Sundarlal Bharia, S/o Shri Kondra Bharia** shall remain suspended and he shall be released on bail on his executing personal bond in sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of trial Court for his appearance before the Registry of this Court on **12.11.2025**. Thereafter, he shall appear before the learned trial Court on a date to be given by the Registry, 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 Revision petition.

Applicant is also directed to deposit the entire amount of compensation within a period of two months from today, failing which, the learned trial Court shall issue recovery proceedings of compensation in accordance with law, immediately, without any further delay.

List this case in week commencing 01.12.2025 for further consideration.

Sd/-
(**Ravindra Kumar Agrawal**)
Judge