



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No.1245 of 2025

Gajanand Rathore S/o Late Gourishankar Rathore Aged About 34 Years R/o Quarter No. SF-665 C.S.E.B. Colony, Korba, Tahsil And District - Korba Chhattisgarh **... Applicant**

versus

Vimal Kumar S/o Narayan Prasad Agrawal Aged About 43 Years R/o Agrasen Chowk, Sakti, Tahsil - Sakti, District Janjgir-Champa (Now District Sakti) Chhattisgarh **... Non-Applicant**

Order Sheet

26/02/2026	Shri Ashutosh Shukla, counsel for the Applicant. Heard on admission. Admit. Let notice be issued to the Non-Applicant on payment of PF as per rules. Also heard on IA No.01/2025, an application for suspension of sentence as well as compensation amount of Rs.8,76,000/-.

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	The accused/Applicant was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act vide judgment of conviction and order of sentence dated 05.11.2024 passed by the learned Chief Judicial Magistrate, First Class, Sakti (C.G.) in Complaint Case No.1012/2018. Being aggrieved by the said judgment, the Applicant preferred an Appeal, i.e., Criminal Appeal No. 71/2024 before the learned 1st Additional Sessions Judge, Sakti, District Janjgir-Champa (C.G.). Vide judgment dated 26.08.2025, the Appeal was dismissed and the judgment of conviction and order of sentence passed by the trial Court was affirmed, whereby the Applicant has been directed to pay compensation of Rs. 8,76,000/- and in default of payment of the same, to undergo 3 months' RI. Learned Counsel for the Applicant submits that the appellate Court has erred in convicting the Applicant under Section 138 of the N.I. Act, he has been sentenced only with compensation of Rs.8,76,000/- and he is ready to abide by all the terms and conditions which may be imposed upon him while suspending the recovery of the compensation. The conclusion of this Revision is likely to take considerable time, therefore, the recovery of compensation may be suspended till final disposal of the case. Heard learned counsel for the Applicant and
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perused the record.

The cheque is dated 10.01.2018 amounting to Rs.5,50,000/-. The issuance of the cheque and the signature thereon are not disputed.

Taking into consideration the facts and circumstances of the case, I am inclined to suspend the recovery of the compensation.

Accordingly, the application (I.A. No. 01/2025) is **allowed**.

It is directed that on Applicant's furnishing a personal bond for a sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the trial Court and subject to depositing 50% of the cheque amount by the Applicant within a period of 60 days from today, the recovery of the remaining amount shall remain stayed till final disposal of the Revision.

The Applicant shall appear before the Registry of this Court on 15th May, 2026. He shall thereafter 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.

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.

List thereafter for final hearing.

Sd/-

(Sanjay Kumar Jaiswal)
Judge