

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1546 of 2019

- Prahlad Dewangan S/o Rajumal Dewangan Aged About 36 Years R/o Baghera Colony, S.T.F. Thana, Pulgaon, Tehsil And District Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Petitioner

Versus

- Shivkant Soni S/o Chedilal Soni Aged About 40 Years R/o Shankar Nagar, Street No. 4, Near Buddh Kuti, Tehsil And District Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

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<u>10/12/2019</u>	Mr. Shirkhar Bakhtiyar, Advocate for the applicant. Heard on admission. Admit. Call for the record of the Court below. Also heard on I.A.No.1/2019, an application for suspension of sentence and grant of bail to the applicant during pendency of this criminal revision. By the impugned judgment dated 29.11.2019 passed by the learned Additional Sessions Judge, Durg, District-Durg in Criminal Appeal No.35/2019, the appellate Court has upheld the judgment dated 08.01.2019 passed by the Judicial Magistrate First Class, in Criminal Case No.4039/14 convicting the applicant U/s 138 of the Negotiable Instruments Act (for short 'the Act') and sentencing him to undergo S.I. for 3 months and compensation amount of

Rs.1,00,000/- with usual default clause.

It is submitted that the applicant has been erroneously convicted by the trial Court and that conviction has been erroneously confirmed by the Appellate Court. The applicant had been on bail during pendency of the trial and also during pendency of appeal and he has not misused the liberty so granted. The final disposal of this revision is likely to take long time and if the appellant is not released on bail after suspending the sentence imposed on him, the revision shall be rendered infructuous. Hence, it is prayed that this application may be allowed.

For the reason that the applicant had been on bail during the trial and also during pendency of the appeal and there is likelihood that this revision may take some time for final disposal, therefore, I feel inclined to allow this application on interim basis.

Accordingly, I.A.No.1/2019, application for suspension of sentence and grant of bail, is allowed on interim basis before issuance of notice to the respondent which shall be subject to confirmation after appearance of the respondent.

It is directed that the jail sentence imposed upon the applicant shall remain suspended during the pendency of this criminal revision and he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in like sum to the satisfaction of the trial Court concerned for his appearance before the Registry of this Court on **10th February, 2020**. He shall thereafter appear before the trial Court on a date to be given by the Registry of this Court and shall continue to appear there on all such other subsequent dates as are given to him by the said Court, till

final disposal of this criminal revision. The compensation as ordered by the Courts below is suspended in part. The applicant shall be released after making a payment 50% of the said compensation. Subject to confirmation after appearance of the respondent.

Issue notice to the respondent.

List this case after three weeks.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha