



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 1547 of 2025

Shri Sai Traders Proprietor Pushpendra Dubey, S/o Late Mahendra Dubey, Aged About 42 Years, R/o Mig 2570 M.P. Housing Board Bhilai, Tehsil And District Durg, Chhattisgarh
... Applicant(s)

versus

Maheshwari Agency Proprietor Deepak Gandhi, Aged About 46 Years, R/o Old G.I. Road Ganjpara, Durg, Tehsil And District Durg, Chhattisgarh
...Respondent(s)

(Cause-title taken from the CIS)

05.01.2026	Shri Praveen Durandhar, 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 PF as per rules. Also heard on IA-1 of 2025, application for suspension of sentence and grant of bail to the applicant. This Criminal Revision is filed being aggrieved by the order dated

22.09.2008.12.2025 passed by the learned First Additional Session Judge, District- Durg(CG), in Criminal Appeal- 344 of 2024, whereby the judgment of conviction and sentence passed by the trial Court has been upheld.

Learned counsel for the applicant would submit that applicant has been convicted under Section 138 of the Negotiable Instruments Act, and sentenced 10 months RI and compensation of Rs.1,82,852/-, payable in a month with default stipulation. There is no legally recoverable debt against the applicant; only on presumption, learned trial Court has convicted the applicant, and sentenced him. Maximum sentence awarded to the applicant is of ten months, and there is no minimum sentence provided under Section 138 of the NI Act. During trial, as well as during the appeal, applicant was on bail, and not misused the liberty granted to him. Presently, applicant is in jail since 08.12.2025. 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.

Considering the submission of learned counsel for the applicant, also considering the nature of allegation, as also the fact that there is no minimum sentence for the offence under Section 138 of the NI Act, the revision is of the year 2025, and final adjudication of the case will take its own time, this court is inclined to allow the application for suspension of sentence and grant of bail to the applicant.

Accordingly, IA-1 of 2025, application for suspension of sentence

and grant of bail is allowed and it is directed that execution of further substantive jail sentence of the applicant- **Shri Sai Traders Proprietor Pushpendra Dubey, s/o Late Mahendra Dubey** 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 **9th March, 2026**. Thereafter, he shall appear before the 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.

It is further directed that the applicant shall deposit the entire amount of cheque i.e Rs.1,82,852/- within two months from today before the learned trial Court, failing which the trial Court shall initiate recovery proceeding of the compensation in accordance with law, without any further delay.

List this case in the week commencing 19th March, 2026.

Sd/-
(Ravindra Kumar Agrawal)
JUDGE