



2025:HHC:39869

Balbir Singh Vs. Bhupinder Singh

Cr. Revision No. 480 of 2023

18.9.2023 Present: Mr. Bhim Raj Sharma, Advocate vice Kanwar Pratap Singh, Advocate, for the petitioner.

The petitioner has been convicted for the offence punishable under Section 138 of Negotiable Instruments Act, in case No. 249 of 2015, titled as, 'Shri Bhupinder Singh versus Shri Balbir Singh' by the Court of learned Judicial Magistrate First Class, Rajgarh(Camp at Sarahan) District Sirmaur, H.P. (hereinafter referred to as 'the trial Court), vide judgment dated 18.5.2022. Vide order of sentence dated 18.5.2022, he has been ordered to undergo simple imprisonment, for a period of six months and to pay a fine of Rs. 1,50,000/-, and, in the event of default in making the payment of fine, he has been ordered to undergo simple imprisonment, for a further period of three months.

2. The aforesaid judgment of conviction and order of sentence has unsuccessfully been assailed by the petitioner before the Court of learned Sessions Judge, Sirmour at Nahan (hereinafter referred to as 'the first appellate Court') in criminal Appeal No.72 of 2022.

3. Aggrieved from the judgment of conviction and order of sentence, passed by the learned trial



Court, as referred to above, and affirmed by the learned First Appellate Court, the petitioner has preferred the instant revision petition.

4. Notice be issued to the respondent, on steps being taken within a week, returnable for 6.11.2023.

5. Records of the learned trial Court, as well as, the learned First Appellate Court be requisitioned, in the meanwhile.

Cr. M.P. No. 3436 of 2023

6. By way of the present application, under Section 397 (1) read with Section 389 of the Code of Criminal Procedure, the applicant has sought suspension of order of sentence, dated 18.5.2022, passed by the learned trial Court, in case No. 249 of 2015, and affirmed by the learned First Appellate Court in Criminal Appeal No. 72 of 2022, vide judgment, dated 5.4.2023.

7. Since the revision against the judgment of conviction and order of sentence, as referred to herein-above, will take sufficient long time, for its disposal, as such, the order of sentence is suspended during the pendency of the revision, subject to the following conditions:



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(i) That the applicant shall furnish personal bond in the sum of Rs. 30,000/-, alongwith one surety of the like amount, to the satisfaction of the learned trial Court, within a period of four weeks from today, with an undertaking that in the event of final dismissal of the revision petition, he will surrender before the learned trial Court to serve the remainder substantive sentence;

(ii) That the applicant shall deposit 50% of the amount of compensation with the learned trial Court, within a period of four weeks from today, which shall be exclusive of the amount, if any, already deposited by the applicant;

8. The application is, thus, disposed of.

9. A copy of this order be sent to the learned trial Court, with the direction that the report of compliance of this order be submitted to this Court, on or before the next date of hearing.

(Virender Singh)
Judge

September 18, 2023
(kalpana)