

Prem Kumar Vs Rakesh Kumar

**Cr. Revision No. 27 of 2026**

09.01.2026

Present: Mr. Aashish Kumar, Advocate, for the petitioner.

Since, there are certain arguable points, involved in this case, as such, notice of the present Criminal Revision be issued to the respondent for 23.04.2026, on taking steps, within a period of seven days, from today.

**Cr. M.P. No. 209 of 2026**

2. By way of the present application, the petitioner/applicant has sought the suspension of order of sentence dated 01.10.2024, passed by the Court of learned Additional Chief Judicial Magistrate, Rampur Bushahr, District Shimla, H.P. (hereinafter referred to as the 'trial Court'), in Complaint Case No. 263 of 2016, titled as, 'Rakesh Kumar Vs Prem Kumar'.

3. Vide judgment of conviction and order of sentence dated 01.10.2024, the learned trial Court has convicted the petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as the 'NI Act') and sentenced him to undergo simple imprisonment for a

period of one year and to pay a compensation of Rs. 9,09,000/-.

4. Aggrieved from the said judgment, petitioner has preferred Criminal Appeal CIS Case No. 113/2024, titled as 'Prem Kumar Vs Rakesh Kumar', before the Court of learned Sessions Judge, Kinnaur at Rampur Bushahr, District Shimla, H.P., (hereinafter referred to as the 'Appellate Court'), which has been dismissed, vide judgment dated 11.12.2025.

5. Now, the petitioner is before this Court by way of the present Criminal Revision Petition, which is likely to take sufficient long time, for its disposal, as such, during the pendency of the present revision petition, the order of sentence dated 01.10.2024, passed by the learned trial Court, is ordered to be suspended, subject to the following conditions:

*(i) That the applicant shall furnish personal bond in the sum of Rs.50,000/-, along with 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 he will surrender before the learned trial Court to serve the remainder substantive sentence, in case of ultimate dismissal of the present revision petition, by this Court;*

*(ii) That the applicant shall deposit 30% of the total amount of compensation, which has been referred to by the learned trial Court as fine, with the learned trial Court, within a period of eight weeks from today, which shall be in*

*addition to the amount, if not, already deposited by the applicant.*

*(iii) The applicant shall not leave the territory of India without the prior permission of the Court.*

6. Application is, thus, disposed of.

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

**( Virender Singh )**  
**Judge**

**09<sup>th</sup> January, 2026**  
*(Pramod)*