



**Tilak Raj vs. Roshan Lal**

**Cr.R No.107 of 2026**

**20.02.2026**

Present: Mr. Gurdev Negi, Advocate for the petitioner.

**Cr.R No.107/2026**

Notice be issued to the respondent, returnable by the next date of hearing, on taking steps during the course of the day.

List on **24.03.2026**.

**Cr.MP No.568/2026**

Notice in the aforesaid terms.

By way of present application, the applicant/petitioner has prayed for suspension of substantive sentence imposed upon him vide judgment of conviction and order of sentence dated 04.03.2024, passed by the learned Judicial Magistrate First Class, Karsog, District Mandi, H.P in Criminal Complaint Registration No.6/2019, titled as "**Roshan Lal Vs. Tilak Raj**", which was affirmed by learned Additional Sessions Judge-I, Mandi, District Mandi, H.P., in Cr. Appeal No.227 of 2024 titled "**Tilak Raj vs. Roshan Lal**" on 28.11.2025, under Section 138 of the Negotiable Instruments Act. The learned trial Court vide judgment of conviction and order of sentence dated 04.03.2024, convicted and sentenced him to undergo simple imprisonment for a period of three months and to pay fine of Rs.1,60,000/- for the commission of an offence punishable under Section 138 of the NI Act.

The respondent/non-applicant had filed a complaint under Section 138 of NI Act, in the Court of learned Judicial



Magistrate, First Class, Karsog, District Mandi, H.P on 03.01.2019. That the present petitioner was dealing in the business of Fruit as a Commission Agent at Chattri, District Mandi and the respondent had supplied apple boxes to the petitioner on 22.08.2018 worth Rs.1,40,600/- vide sale voucher of counterfoil book No.023. It was averred that in order to discharge his liability, the petitioner had issued a post dated cheque bearing No.100865 dated 29.08.2018 amounting to Rs.1,40,000/- pertaining to PNB Branch Jajehali. When the said cheque was presented for encashment, the same was dishonoured for "insufficiency of funds". The complaint filed by the respondent was allowed by the learned Judicial Magistrate, First Class, Karsog, District Mandi, vide judgment dated 04.03.2024 and convicted the applicant and ordered that he shall undergo simple imprisonment for a period of three months and pay a fine of Rs.1,60,000/-. The said judgment was affirmed by the learned Additional Sessions Judge-I, Mandi, District Mandi, H.P., in Cr. Appeal No.227 of 2024 titled "**Tilak Raj vs. Roshan Lal**" on 28.11.2025.

Perusal of the revision shows that the applicant has raised arguable points and the disposal of the revision shall take some time. Consequently, during the pendency of the present petition, the judgment of conviction and order of sentence as passed by the learned trial Court on 04.03.2024, which was affirmed by learned Additional Sessions Judge-I, Mandi, District Mandi, H.P. on 28.11.2025, is ordered to be suspended, during the pendency of the revision, subject to the following conditions:



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(i) That the applicant/petitioner 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, by this Court;

(ii) That the applicant/petitioner 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/petitioner shall not leave the territory of India without the prior permission of the Court.

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 of hearing.

List the matter on **24.03.2026**.

**( Romesh Verma )  
Vacation Judge**

**February 20, 2026  
(Ritu)**