

Ishwar Singh Vs. Usha Goel

Cr. Revision No. 261 of 2025

20.6.2025 Present: Kr. Virender Singh, Advocate, vice Mr. Raman Prashar, Advocate, for the petitioner.

Notice could not be issued to the respondent, as steps have not been taken. Let the needful be done within a week. Thereafter, notice be issued to the respondent, returnable within eight weeks.

Cr. M.P. No. 2449 of 2025

2. By way of the present application, under Section 438 of Bharatiya Nagarik Suraksha Sanhita (hereinafter referred to as 'the BNSS'), the petitioner/applicant has sought the suspension of order of sentence, dated 18.11.2022, passed by the learned Additional Chief Judicial Magistrate, Court No . 2, Shimla, H.P. (hereinafter referred to as 'the trial Court'), in Criminal Case No. 72/3 of 2017, titled as, 'Usha Goel versus Ishwar Singh', whereby the learned trial Court, vide judgment of conviction, dated 30.7.2022 and order of sentence dated 18.11.2022, has convicted the applicant for the commission of offence, under Section 138 of N.I. Act and sentenced him to undergo simple imprisonment for one year and to pay a fine of Rs. 13,70,000/-. In default, he has

been sentenced to further undergo simple imprisonment for a period of two months.

3. The said judgment of conviction and order of sentence have been affirmed by the learned Sessions Judge (Forests), District Shimla, H.P. (hereinafter referred to as 'the Appellate Court'), vide judgment dated 28.12.2024 in Cr. Appeal No. 280 of 2022, titled as, 'Ishwar Singh vs. Usha Goel'.

4. Since the revision against the judgment of conviction and order of sentence, as referred to above, will take sufficient long time, for its disposal, as such, the order of sentence dated 18.11.2022 is suspended during the pendency of the revision, subject to the following conditions:

(i) That the applicant shall furnish personal bond in the sum of Rs. 50,000/-, 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 30% of the total amount of compensation, with the learned trial Court, within a period of four weeks from today, which shall be in addition to the amount, if any, already deposited by the applicant;

(iii) That the applicant shall not leave the country without the prior permission of the Court.

5. The application is, thus, disposed of.

6. 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

June 20, 2025
(kalpana)