

Himanshu Sharma vs. M/s Mohit Saklani Traders

Cr. R. No. 204 of 2026.

10.04.2026 Present: Ms. Anubhuti Sharma, Advocate for the petitioner.

Cr. R. No. 204 of 2026.

Notice to the respondent, returnable for 29th May, 2026. Steps be taken within a week.

Cr.MP No. 1312 of 2026.

By way of instant application, the applicant/petitioner has prayed that operation/execution of impugned judgment dated 28.06.2025 passed by learned Additional Chief Judicial Magistrate, Court No.1, Sundernagar, District Mandi, H.P. in CNR No. HPMA12-000204-2017 as affirmed vide judgment dated 07.01.2026 passed by learned Additional Sessions Judge, Sundernagar, District Mandi, H.P. in case/Cr. Appeal No. 24 of 2025 be stayed.

The applicant/petitioner was tried for commission of offence punishable under Section 138 of the Negotiable Instruments Act (for short "the Act") for dishonour of cheque amounting to Rs.7,08,137/-

and vide judgment dated 28.06.2025 passed by the learned Additional Chief Judicial Magistrate, Court No.1, Sundernagar, District Mandi, H.P. in CNR No. HPMA12-000204-2017, titled, M/s Mohit Saklani Traders vs. Himanshu Sharma, he was convicted for commission of offence punishable under Section 138 of the N.I. Act and thereafter by order of the same date was sentenced to undergo simple imprisonment for a period of six months and to pay compensation to the complainant in the sum of Rs.10,30,000/-.

The applicant/petitioner had preferred the appeal before the learned Additional Sessions Judge, Sundernagar, District Mandi, H.P. bearing Cr. Appeal No. 24 of 2025, which was dismissed on 07.01.2026.

A perusal of the grounds raised in the revision petition reveals that the applicant/petitioner has raised some arguable points and the disposal of the revision petition is likely to take some time, therefore, in the interest of justice, during the pendency of the instant revision petition, the

sentence of imprisonment imposed upon the applicant/petitioner is suspended subject to following conditions:-

(i) That the applicant/petitioner shall furnish personal bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of learned Trial Court within a period of four weeks from today undertaking therein that in case the revision petition filed by him is dismissed, he shall surrender before the learned Trial Court to serve the sentence.

(ii) That the applicant/petitioner shall deposit 30% of the compensation amount before this Court within eight weeks from today. In case, the amount, as directed, is not deposited, the order of suspending the sentence shall stand automatically vacated.

(iii) The applicant/petitioner shall not leave the country without prior permission of the Court.

The application stands disposed of.

(Jiya Lal Bhardwaj)
Judge

10th April, 2026.
(Jai)