

Nar Singh Bura Vs. Keshav Kumar & anr.

Cr. Revision No. 222 of 2025

5.5.2025 Present: Mr. Ashok Kumar Verma, Advocate, for the petitioner.

Mr. Tejasvi Sharma, Addl. A.G., for respondent No. 2.

Notice be issued to respondent No. 1, on steps being taken within a week, returnable for 23.6.2025.

2. Since, certain arguable points are involved in the present petition, as such, record of learned trial Court, as well as, learned First Appellate Court, be requisitioned, for the next date of hearing.

Cr. M.P. No. 1634 of 2025

3. By way of the present application, under Section 438 (1) of Bharatiya Nagarik Suraksha Sanhita (hereinafter referred to as 'the BNSS'), the petitioner/applicant has sought the suspension of order of sentence, dated 11.9.2024, passed by the learned Judicial Magistrate First Class, Court No. 3, Hamirpur, H.P. (hereinafter referred to as 'the trial Court'), in complaint No. 43-I-2021 (u/s 138 of N.I. Act), titled as, 'Keshav Kumar versus Nar Singh Bura', whereby the learned trial Court, vide judgment of conviction and order of sentence dated 11.9.2024, has convicted the applicant for the commission of

offence, under Section 138 of N.I. Act and sentenced him to undergo simple imprisonment for a period of two years and to pay fine of Rs. 6,00,000/-.

4. The said judgment of conviction and order of sentence has been affirmed by the learned Sessions Judge, Hamirpur, H.P. (hereinafter referred to as 'the First Appellate Court'), vide judgment dated 1.4.2025, in Cr. Appeal No. 99 of 2024, titled as, 'Nar Singh Bura versus Keshav Kumar & anr.'.

5. 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 11.9.2024 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.*

6. The application is, thus, disposed of.

7. 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

May 5, 2025
(kalpana)