

Cr. Revision No.4151 of 2013.

31.10.2013 Present: Mr. Ajay Thakur, Advocate vice Mr. Lakshay Thakur, Advocate for the petitioner.

Mr. Virender Verma, Additional Advocate General with Mr. Pushpinder Singh Jaswal, Deputy Advocate General for respondent No.2.

Cr. R. No.4151 of 2013.

Heard.

Admit.

Send for the records. Post for hearing in due course and on completion of the records.

Cr.MP No.11478 of 2013.

The petitioner, who is a convict and has been sentenced by learned Judicial Magistrate 1st Class, Court No.3, Shimla to undergo simple imprisonment for one year and also to pay ₹5,00,000/- (rupees five lac only) as compensation under Section 138 of Negotiable Instruments Act, which in an appeal registered as Criminal Appeal No.114-S/10 of 2011, filed by the petitioner-convict in the Court of Sessions, has been affirmed by the learned Sessions Judge, Shimla vide judgment dated 12.7.2013, impugned in the revision petition, has filed this application for suspension of the sentence so imposed upon him. The revision petition stands admitted for final hearing. The disposal thereof is likely to take slightly longer time. It has been submitted that out of the amount of compensation, rupees two lac stand deposited in the lower appellate Court, whereas, rupees three lac stand paid to the complainant-respondent in instalments as learned counsel submits. In view of the averments made in the application and the submissions made by learned counsel, I accept this application. Consequently, it is directed that the substantive

sentence imposed upon the accused-petitioner by the learned Magistrate below and affirmed by learned lower appellate Court shall remain suspended subject to his furnishing personal bond in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of learned trial Magistrate, within four weeks from today undertaking specifically therein that in the event of dismissal of the revision petition, he shall surrender to serve out the sentence imposed upon him under Section 138 of Negotiable Instruments Act. The application stands disposed of.

Copy dasti.

October 31, 2013.
(sck).

(Dharam Chand Chaudhary),
Judge.