

Arshad Ayub Vs. HP Minorities Finance & Development Corporation

Cr. Revision No. 477 of 2026

18.9.2026 Present: Mr. Jagat Paul, Advocate, for the petitioner.
Ms. Shashi Kiran, Advocate, for the respondent.

Cr. Revision No. 477 of 2026

Record received. List for hearing in due course.

Cr.MP No. 3267 of 2026

Heard.

Record shows that the legal notice was issued to the respondent on 17.5.2022. No acknowledgment was received by the complainant and no tracking report was placed on record; therefore, the Court has to proceed on the presumption that the notice was duly served upon the accused as per Section 114 of the Indian Evidence Act and Section 27 of the General Clauses Act. This court has held in *Govind Ram Vs. State of H.P. and anr. 2025:HHC:33346* that when the presumption under Section 27 of the General Clauses Act and Section 114 of the Indian Evidence Act is attracted, the notice is deemed to be served after 30 days of dispatch. Hence, in these circumstances, notice is deemed to be served on 16.6.2022, however, the complaint was filed on 17.6.2022, within 15 days available to the accused to pay the amount. Hence, *prima facie*, the complaint is premature.

In view of the above and keeping in view the nature of the offence punishable under Section 138 of NI Act, execution and operation of the substantive sentence of imprisonment awarded by the learned Trial Court on 8.4.2025, as affirmed by the learned Appellate Court on 17.10.2025, in Criminal Appeal No. 2781 of 2025 is ordered to be suspended, subject to deposit of 30% of the compensation amount and furnishing of personal and surety bonds in the sum of ₹25,000/- each to the satisfaction of the learned Trial Court.

The bail bonds, so furnished by the applicant/petitioner be transmitted to this Court for placing the same on record.

A copy of this order be sent to the learned Trial Court for information.

(Rakesh Kainthla)
Judge

18th September, 2026
(Chander)