

**Mahendra Kumar M.Jain Vs. State of H.P.**

**Cr. Revision No. 323 of 2025**

25.6.2025 Present: Kanwar Bhupinder Singh, Advocate, for the petitioner.

Mr. Rohit Sharma, Deputy. A.G., for the respondent-State.

Notice. Mr. Rohit Sharma, learned Deputy A.G. appears and waives service of notice on behalf of respondent-State.

Certain arguable points are involved in the present petition, as such, the same is admitted for hearing.

Call for the records.

Cr. M.P. No. 2559 of 2025

By way of the present application, under Section 438 read with Section 430 of Bharatiya Nagarik Suraksha Sanhita (hereinafter referred to as 'the BNSS'), the petitioner/applicant has sought the suspension of order of sentence, dated 8.5.2018, passed by the learned Judicial Magistrate 1<sup>st</sup> Class, Court No. 2, Nalagarh, District Solan, H.P.(hereinafter referred to as 'the trial Court'), in Criminal Case No. 87/2 of 2008, titled as, 'State of H.P. versus Pardeep Kumar Tulli & anr.', whereby the learned trial Court, vide judgment of conviction and order of sentence dated 8.5.2018, has convicted the applicant for the

commission of offence, under Sections 420, 467, 468, 471 and 120-B of IPC, in the following manner:

Sr. No.	Office u/s	Sentence imposed	Default
1.	420 IPC	Imprisonment for three years and to pay a fine of Rs. 8000/-	Simple imprisonment for a period of 15 days.
2.	467 IPC	Imprisonment for three years and to pay a fine of Rs. 10,000/-	Simple imprisonment for a period of 15 days.
3.	468 IPC	Imprisonment for three years and to pay a fine of Rs. 10,000/-	Simple imprisonment for a period of 15 days.
4.	471 IPC	Imprisonment for two years and to pay a fine of Rs. 5,000/-	Simple imprisonment for a period of 15 days.
5	120-B IPC	Imprisonment for six months and to pay a fine of Rs. 5,000/-	Simple imprisonment for a period of 15 days.

Aggrieved from the aforesaid judgment of conviction and order of sentence, the applicant has preferred Cr. Appeal No . 16-NL/10 of 2018, titled as, 'Mahinder Kumar M. Jain versus State of H.P.', before the learned Addl. Sessions Judge, Nalagarh, District Solan, H.P. (hereinafter referred to as 'the Appellate Court'). Vide judgment dated 30.5.2025, the learned Appellate Court has modified the order of sentence, as referred to above, in the following manner:

Sr. No.	Office u/s	Sentence imposed	Default
1.	420 IPC	Simple imprisonment for a period of one year and to pay a fine	Simple imprisonment for a period of 15 days.

		of Rs. 8000/-	
2.	467 IPC	Simple imprisonment for a period of one year and to pay a fine of Rs. 10,000/-	Simple imprisonment for a period of 15 days.
3.	468 IPC	Simple imprisonment for a period of one year and to pay a fine of Rs. 10,000/-	Simple imprisonment for a period of 15 days.
4.	471 IPC	Simple imprisonment for a period of one year and to pay a fine of Rs. 5000/-	Simple imprisonment for a period of 15 days.
5	120-B IPC	Simple imprisonment for a period of six months and to pay a fine of Rs. 5000/-	Simple imprisonment for a period of 15 days.

Aggrieved from the said judgment, the applicant has approached this Court, by way of the accompanying Criminal Revision Petition.

Since the Criminal Revision Petition 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 8.5.2018, passed by the learned trial Court, as modified by the learned Appellate Court, vide judgment dated, 30.5.2025, 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/-, each, alongwith one surety of the like amount, each, 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*

*appeal, he will surrender before the learned trial Court to serve the remainder substantive sentence;*

*(ii) That he shall deposit the fine amount, if any;*

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

The application is, thus, disposed of.

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 25, 2025**

**(kalpana)**