

Hans Pal Singh Vs. State of H.P. & Another

Cr. Revision No.558 of 2023

19.10.2023 Present: Ms. Vandana Thakur, Advocate for the petitioner.

 Mr. Tejasvi Sharma, & Mr. H.S. Rawat, Additional Advocates General with Ms. Leena Guleria, Deputy Advocate General, for respondent No.1.

The petitioner-Hans Pal Singh has filed the present revision petition against the judgment dated 28.8.2023, passed by the Court of learned Additional Sessions Judge-I, Mandi, H.P. (hereinafter referred to as 'the First Appellate Court'), in Criminal Appeal No.03 of 2018, titled as Hans Pal Singh Vs. State of H.P. & Another.

Vide judgment dated 28.8.2023, the learned First Appellate Court has dismissed the appeal filed by the petitioner, against the judgment of conviction dated 16.12.2017 and order of sentence, dated 23.12.2017, passed by the Court of learned Judicial Magistrate First Class, Chachiot at Gohar, District Mandi (hereinafter referred to as 'the trial Court'), in Case No.67-I/2014/47-III/2014, titled as Dhameshwar Dass versus Hans Pal Singh.

Vide judgment of conviction dated 16.12.2017 and order of sentence, dated 23.12.2017, the learned trial Court, has convicted the petitioner for the offence

punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo simple imprisonment, for a period of six months and to pay a compensation of Rs.2,90,000/- to the complainant.

There are certain arguable points involved in the present petition, as such, notices are ordered to be issued against the respondents.

Mr. Tejasvi Sharma, learned Additional Advocate General, appears and waives service of notice on behalf of respondent No.1.

Let notice be issued to respondent No.2 for **14th December, 2023**, on taking steps, within seven days.

Cr.MP No.4001 of 2023

Since the disposal of the revision, filed by the petitioner, against the judgment of conviction and order of sentence, as referred to herein-above, will take sufficient long time, as such, the order of sentence dated 23.12.2017, 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.30,000/-, along with 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 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.*

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 within a period of eight weeks.

Cr. MP No.4002 of 2023.

The application is disposed of with a direction to the applicant-petitioner to file the certified copy of the trial Court judgment, on or before the next date of hearing.

**(Virender Singh)
Judge**

October 19, 2023_(ps)