

**Gopal Mahajan versus Ajay Salwani**

**Cr. Revision No.448 of 2025**

07.08.2025 Present: Mr. Surinder Saklani, Advocate, for the petitioner.

Petitioner-Gopal Mahajan has filed the present revision petition against the judgment dated 24.06.2025 passed by the Court of learned Additional Sessions Judge-II, Shimla, District Shimla, H.P. (hereinafter referred to as 'the Appellate Court'), in Criminal Appeal No.25/2025, titled as Gopal Mahajan versus Ajay Salwani.

Vide judgment dated 24.06.2025, the learned Appellate Court has dismissed the appeal filed by petitioner Gopal Mahajan, against the judgment of conviction dated 14.01.2025, and order of sentence, dated 16.01.2025, passed by the Court of learned Additional Chief Judicial Magistrate, Court No.2, Shimla, District Shimla (hereinafter referred to as 'the trial Court'), in Case No.54-3 of 2019, titled as Ajay Salwani versus Gopal Mahajan.

Vide judgment of conviction, dated 14.01.2025 and order of sentence, dated 16.01.2025, 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 one year and to pay a compensation of Rs.22,00,000/- to the complainant. In default of payment of fine, he has been directed to further undergo simple imprisonment for a period of three months.

There are certain arguable points involved in the present petition, as such, notices are ordered to be issued against the respondent for returnable within six weeks, on taking steps within a period of seven days.

**Cr.MP No.3411 of 2025**

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 16.01.2025, 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/-, along with one surety of the like amount, to the satisfaction of the learned trial Court, within a period of six 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 cheque amount, with the learned trial Court, within a period of six 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 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**

August 07, 2025 (ps)