

Ram Swaroop Vs. HP State Co-operative
Agriculture Rural Development Bank & another

Cr. Revision No. 490 of 2025

29.8.2025 Present: Mr. Servedaman Rathore, Advocate, for the
petitioner.
Mr. Narender Singh Thakur, Advocate, for
respondent No.1.
Mr. Ajit Sharma, Deputy Advocate General, for
respondent No.2.-State.

Cr. Revision No. 490 of 2025

Notice. Mr. Narender Singh Thakur, learned
counsel and Mr. Ajit Sharma, learned Deputy Advocate
General, appear and waive service of notice on behalf of
respondent No.1 and respondent No.2-State, respectively.

Record of the learned Courts below be
requisitioned within four weeks.

Cr.MP No.3793 of 2025.

Notice in the aforesaid terms.

Heard.

It appears from the judgment of learned Trial
Court that Sahi Ram Sharma (PW1) admitted his signatures
on the sale certificate (Ex.DX), however, the learned Trial
Court held that the sale was to become absolute on the date
of confirmation by the Registrar, Cooperative Societies and
since there is no evidence of confirmation, therefore, the
amount realized by the Bank could not have been credited to

his loan account. The Appellate Court adopted this reasoning in its judgment.

Prima facie, the reasoning of learned Courts below are not sustainable. Once the sale was made and the amount was required to be credited to the loan account of the accused, the same could not have been postponed on the ground that it would be credited after the confirmation of sale as per Section 30 of the H.P. Agriculture and Rural Development Bank, 1979. Once the sale was made for a particular amount, the amount was to be vested to the complainant and if the sale was not confirmed, it could have been reversed but failure to credit the amount *prima facie* is not correct. Hence, there are arguable points in the matter.

In view thereof and keeping in view the nature of the offence punishable under Section 138 of the Negotiable Instruments Act, execution and operation of the substantive sentence of imprisonment awarded by the learned Trial Court on 18.1.2023, as affirmed by the learned Appellate Court on 18.7.2025, in Criminal Appeal No. 29 of 2023 is ordered to be suspended, subject to 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

29th August, 2025
(Chander)