

Vijay Kumar vs. M/s New Shilpi Jewellers

Cr.Revision No. 641 of 2025

28.11.2025 Present: Ms. Vandana Thakur, Advocate, for the petitioner.
Mr. Jitender K. Sharma, Additional Advocate General, for the respondent No.2/State.

Cr. Revision No. 641 of 2025

Heard.

It appears from paragraph 20 of the judgment of the learned Additional Sessions Judge (1) Kangra, Dharamshala, District Kangra, H.P. (learned Appellate Court) that the accused had deposited a sum of ₹1,76,000/- in the complainant's account during the pendency of the complaint. Learned Appellate Court further held that the accused owed ₹5,05,141/- as per the cross-examination of the complainant.

Prima facie, the complaint was filed with the averments that accused had purchased gold items of ₹1,76,000/- and had issued a cheque for the same amount to discharge his liability. Thus, the findings recorded by the learned Appellate Court, prima facie, appears to be vulnerable.

The deposit of the amount, during the pendency of the proceedings, will not extinguish the offence; however, it will affect the sentence to be imposed upon the accused.

It appears from the judgment of conviction and order of sentence of learned Trial Court, that accused was sentenced to undergo simple imprisonment for a period of one year, pay a fine of ₹2,50,000/- and in default of payment of fine to further undergo imprisonment of one month, which, prima facie, appears to be excessive, after the payment of the cheque amount. Hence, issue notice to respondent returnable within a period of four weeks, on taking steps within period of one week.

Records of the learned Courts below be requisitioned.

Cr.MP No. 4946 of 2025

Notice in the aforesaid terms.

In the meantime, 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 vide order dated 26.05.2025 and the same has been affirmed by the learned Appellate Court on 16.09.2025 in Criminal Appeal No. 20-D/X/2025 is ordered to be suspended till further orders subject to deposit of 30% of the compensation amount, if not deposited earlier and the applicant is directed to furnish personal bond in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of

the learned Trial Court with an undertaking to appear and receive the sentence, in case of dismissal of the present revision, within a period of four weeks.

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

(Rakesh Kainthla)
Judge

28th November, 2025
(ravinder)

