

Kuldeep vs. Nisha Gautam & another

Cr. Revision No. 104 of 2026

18.02.2026 **Present:** Ms. Kanta Thakur, Advocate, for the petitioner.

Mr. Hemant Verma, Deputy Advocate General,
for respondent No.2/State.

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Notice. Mr. Hemant Verma, learned Deputy Advocate General, appears and waives service of notice on behalf of respondent No.2.

Issue notice to respondent No.1 returnable on or before next date of hearing, on taking steps within two days.

List on **23.03.2026**.

Cr.MP No.555 of 2026

Notice in the aforesaid terms.

By way of present application, the applicant/petitioner has prayed for suspension of substantive sentence imposed upon him by the learned Chief Judicial Magistrate, Solan, District Solan, H.P., in Cr. Case No. 77/3 of 2022, titled Smt. Nisha Gautam vs. Kuldeep, decided on 06.05.2024.

The applicant/petitioner was tried for commission of offence punishable under Section 138 of the Negotiable Instruments Act. The learned trial Court

vide judgment of conviction and order of sentence dated 06.05.2024, convicted and sentenced him to undergo simple imprisonment for a period of six months and further directed to pay compensation of Rs.4,40,000/- to the respondent/complainant.

The applicant/petitioner feeling aggrieved by the judgment of conviction and order of sentence had preferred the appeal before the learned Additional Sessions Judge-II, Solan, District Solan, H.P., and the same was dismissed on 06.09.2025.

Perusal of grounds of revision reveals that the applicant/petitioner has raised arguable points in the same and it will take some time for the final disposal. Therefore, in the attending facts and circumstances of the case, the judgment of conviction and order of sentence as passed by learned Chief Judicial Magistrate, Solan, District Solan, H.P., on 06.05.2025, affirmed by learned Additional Sessions Judge-II, Solan, District Solan, H.P. on 06.09.2025, is ordered to be suspended, during the pendency of the revision, subject to the following conditions:

- (i) That the applicant/petitioner 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 four weeks from today,

with an undertaking that he will surrender before the learned trial Court to serve the remainder substantive sentence, in case of ultimate dismissal of the present petition, by this Court;

(ii) That the applicant/petitioner shall deposit 30% of the total amount of compensation, which has been referred to by the learned trial Court as fine, with the learned trial Court, within a period of eight weeks from today, which shall be in addition to the amount, if not, already deposited by the applicant.

(iii) The applicant/petitioner shall not leave the territory of India without the prior permission of the Court.

Application is, thus, disposed of.

A copy of this order be sent to the learned trial Court, with a direction that the report of compliance of this order be submitted to this Court, on or before the next date of hearing, so that same can be placed in Court file.

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Allowed. Applicant/petitioner is exempted from filing the certified copy of impugned judgment of

conviction and order of sentence dated 06.05.2024 passed by the learned Chief Judicial Magistrate, Solan, District Solan, H.P. in Cr. Complaint No. 77/3 of 2022, titled Smt. Nisha Gautam vs. Kuldeep, at this stage, subject to filing of the same within seven days, as and when directed to do so.

The application stands disposed off.

(Romesh Verma)
Vacation Judge

February 18, 2026 (Nisha)