

**M/s Abhay General Store & another versus
M/s Raghbar Dass Prem Chand & another**

Cr. Revision No. 14/2026

Reserved on: 09.01.2026

16.1.2026 Present: Mr Sandeep Kumar Pandey, Advocate, for
the applicants/petitioners.

Mr Jitender Sharma, Additional Advocate
General for the respondent No.2/State.

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Heard.

Respondent No.1/ complainant filed a
complaint against the petitioners/accused, asserting that
M/s Raghbar Dass Prem Chand is a Proprietorship concern
and late Mr Naresh Garg is its sole proprietor. The memo
of parties of learned Trial Court shows that the
complainant has been described as M/s Raghbar Dass
Prem Chand, Arat Bazar, Subathu, Tehsil and District
Solan, H.P through its proprietor. The name of the
proprietor is missing from the memo of parties. *Prima
facie*, the memo of parties as recorded by the learned Trial
Court is contrary to the judgment of the Hon'ble Supreme
Court in *Shankar Finance & Investments v. State of A.P.*,
(2008) 8 SCC 536: (2008) 3 SCC (Cri) 558: 2008 SCC OnLine
SC 997 and this Court in *Nexus Health & Beauty*

Care (P) Ltd. v. National Electrical Office, 2012 SCC OnLine HP 5383, hence, *prima facie*, there is an arguable case in favour of the complainants/petitioners.

3. Notice be issued to the respondent No.1 returnable within four weeks on taking steps within one week. Records of learned Courts below be requisitioned.

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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 24.09.2024 as affirmed by the learned Appellate Court on 31.10.2025 in Criminal Appeal No. 117-ASJ-II/10 of 2024 is ordered to be suspended till further order subject to deposit of 30% of compensation amount and furnishing of personal and surety bonds in the sum of ₹50,000/- to the satisfaction of learned Trial Court within a period of four weeks undertaking to appear before this Court as and when directed to do so and surrender before learned Trial Court in case of dismissal of revision. Reply, if any, be filed within four weeks.

Trial Court is directed that the bail bonds, so furnished by the applicants/petitioners, be transmitted to this Court for placing them on record.

16.1.2026
(yogesh)

(Rakesh Kainthla)
Judge