



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>CRLR/184/2021</u> Chandan Singh Revisionist Versus State Of Uttarakhand Respondent <u>Hon'ble Alok Mahra, J.</u> Mr. Pratul Kumar, learned counsel for the revisionist. 2. Mr. Akshay Latwal, learned A.G.A. along with Mr. Jai Prakash Kandpal, learned Brief Holder for the State. 3. Mr. Bhuwan Bhatt, learned counsel for respondent no.2. 4. By means of the present criminal revision, the revisionist has assailed the judgment and order dated 10.11.2020 passed by the learned Additional Sessions Judge, Haldwani, District Nainital in Criminal Appeal No. 26 of 2020, whereby the criminal appeal preferred by the revisionist was partly allowed and the sentence of two years' simple imprisonment awarded by the learned trial Court was reduced to fifteen months' simple imprisonment, while the fine of ₹12,90,000/- was maintained. 5. Learned counsel for the revisionist would submit that the impugned judgment and order is contrary to law and the facts available on record. It is contended that the parties had entered into an agreement in respect of purchase of a residential plot and that part payment of the agreed consideration had already been received by the respondent; that, the dispute between the parties essentially arises out of a transaction of civil nature



		and relates to recovery of money. It is, therefore, the impugned judgment is liable to be set aside. 6. Per contra, learned counsel appearing for respondent no.2 would submit that the present revision is liable to be dismissed, inter alia, on the ground that the revisionist has not specifically assailed the judgment of conviction and order passed by the learned trial Court and has confined the challenge to the judgment rendered by the learned Appellate Court. It is further submitted that, during the pendency of the present revision, the revisionist repeatedly undertook before this Court that he was ready and willing to deposit/pay the entire amount of fine awarded against him, but despite grant of repeated opportunities on the basis of such undertaking, he has failed to honour the same. 7. Learned counsel for respondent no.2 would further submit that, vide order dated 24.04.2026, this Court allowed the application seeking extension of time, whereby the revisionist had prayed for three months' further time to make payment of the amount payable to the respondent/claimant; that, on the basis of the undertaking furnished by the revisionist, a cheque of ₹2,00,000/- was handed over to learned counsel for the respondent and further time of three months was granted to deposit/pay the remaining amount. It is submitted that, even thereafter, the revisionist moved another application seeking extension of time on the ground that he had suffered a brain stroke; that, taking a humanitarian view of the matter, this Court, vide order dated 03.08.2026, granted a further period of two months to enable the revisionist to clear the outstanding amount.
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		8. Learned counsel for respondent no.2 would further submit that, despite the aforesaid indulgence granted by this Court, the revisionist handed over another cheque for a sum of ₹3,00,000/-, which was dishonoured on 04.08.2026 with the endorsement "Funds Insufficient". It is, therefore, contended that the conduct of the revisionist clearly demonstrates that the undertakings furnished before this Court have not been honoured and that there is no bona fide intention on his part to discharge the financial liability or comply with the orders passed by this Court. On this ground also, learned counsel submits that the revision is liable to be dismissed. 9. Heard learned counsel for the parties and perused the material available on record. 10. So far as the submission of learned counsel for the revisionist that the dispute is essentially of civil nature is concerned, the mere existence of a civil remedy or a monetary/contractual dispute does not, by itself, efface criminal liability, where the ingredients of the offence are otherwise established on the basis of the evidence adduced before the competent criminal Court. In exercise of revisional jurisdiction, this Court is not required to undertake a fresh appreciation of evidence as an appellate Court unless the findings recorded by the Courts below suffer from patent illegality, perversity, jurisdictional error or manifest miscarriage of justice. The revisionist has failed to demonstrate any such infirmity in the impugned judgment warranting interference in exercise of the limited revisional jurisdiction of this Court. 10. It is further material to notice that the revisionist has, on more than one occasion, furnished an undertaking before
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			this Court regarding payment of the amount payable to respondent no.2 and has sought extension of time on such basis. Despite repeated indulgence granted by this Court, the revisionist has failed to comply with his undertaking. More particularly, the cheque for ₹3,00,000/- handed over by him was dishonoured on 04.08.2026 for insufficiency of funds. Such conduct, coupled with the repeated failure to honour the undertakings furnished before this Court, does not inspire confidence in the bona fides of the revisionist. 11. It is also undisputed that the cheque in question bears the signatures of the revisionist. The findings recorded by the Courts below, therefore, cannot be said to be perverse or based on no evidence. The revisionist has not been able to point out any manifest error of law, illegality, perversity or material irregularity in the impugned judgment and order dated 10.11.2020 which may warrant interference by this Court in exercise of its revisional jurisdiction. 12. In view of the foregoing discussion, this Court finds no merit in the present criminal revision. The impugned judgment and order dated 10.11.2020 passed by the learned Additional Sessions Judge, Haldwani, District Nainital in Criminal Appeal No. 26 of 2020 does not call for any interference. 13. Accordingly, the present criminal revision is dismissed. 14. There shall be no order as to costs. MAMTA RANI (Alok Mahra, J.) 14-08-2026 Mamta
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