

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.849 of 2018

Satyendra Kumar Soni, S/o Late Harinandan Soni, aged about 55 years, R/o Shobha Shri Jewellers, Sadar Road, Near Kadbi Chowk, Ambikapur, District Surguja, Chhattisgarh

---- Applicant

versus

Shatrughan Swarnkar, S/o Late Rambali Swarnkar, aged about 58 years, R/o Mohalla Juna Gaddi, Sadar Road, Ambikapur, District Surguja, Chhattisgarh

--- Respondent

For Applicant	:	Shri Ravindra Agrawal, Advocate
For Respondent	:	None

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

7.8.2018

1. Heard on admission as well as on I.A. No.1 of 2018 for grant of interim relief and on I.A. No.2 of 2018 under Section 389(2) of the Code of Criminal Procedure.
2. Vide judgment dated 29.6.2018 passed in Criminal Case No.707 of 2014, the Chief Judicial Magistrate, Ambikapur has convicted the Applicant under Section 138 of the Negotiable Instruments Act and sentenced him to undergo simple imprisonment for 6 months and to pay compensation of Rs.2,70,000/- to the Respondent/Complainant with default clause that in case of non-payment of the compensation, the Applicant shall suffer additional simple imprisonment for 2 months. Against the judgment dated 29.6.2018, an appeal, being Criminal Appeal No.59 of 2018 was preferred by the Applicant along with an application under Section 389 of the Code of Criminal Procedure for suspension of jail sentence as also for suspension of payment of the amount of compensation. Vide order dated 16.7.2018, the Appellate Court,

i.e., the Additional Sessions Judge (FTC), Ambikapur suspended the jail sentence only. Thereafter, a separate application was filed by the Applicant for suspension of payment of the amount of compensation also, which was rejected by the Appellate Court vide order dated 25.7.2018. Hence, this revision by the Applicant.

3. Since the jail sentence imposed upon the Applicant by the Trial Court has already been suspended by the Appellate Court, taking into consideration the facts and circumstances of the case, it is directed that on making deposit of Rupees One Lakh by the Applicant before the Trial Court within one month from the date of receipt of this order, deposit of remaining amount of the compensation shall remain stayed during pendency of Criminal Appeal No.59 of 2018 before the Appellate Court.
4. Consequently, I.A. No.1 of 2018, I.A. No.2 of 2018 and the revision stand disposed of in the aforesaid terms.

Sd/-
(Arvind Singh Chandel)
Judge