

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR. No. 1561 of 2019

- H.K. Parganiha S/o Late T.R. Parganiha Aged About 59 Years R/o H Pocket 17/B, Maroda Sector, Bhilai, Police Station Newai, District Durg, Chhattisgarh.

---- Applicant

Versus

1. Mukul Deshpande S/o Late R.L. Deshpande Aged About 50 Years R/o Mukul Graphics, Shop No.65/A, Maitrikunj, Risali, Bhilai, District Durg, Chhattisgarh., District : Durg, Chhattisgarh
2. State Of Chhattisgarh Through District Magistrate, Durg, Chhattisgarh., District : Durg, Chhattisgarh

----Respondents

<u>12/12/2019</u>	Shri P.R. Patankar, Advocate for the applicant. Shri Chandra Bhushan Kesharwani, P.L. for the State/ respondent No.2. Heard on the application for suspension of sentence of imprisonment imposed against the applicant which was ordered by the trial Court and upheld in the order of the Appellate Court. This Criminal Revision has been filed against the judgment dated 31-10-2019, passed in Criminal Appeal No.358/2018, by the Court of learned Sixth Additional Sessions Judge, Durg, District- Durg, Chhattisgarh arising out of the judgment dated 03.12.2018, passed by the Court of learned Judicial Magistrate First Class, Durg, District- Durg, Chhattisgarh, whereby the applicant has been convicted and sentenced in the following manner:-

<u>Conviction</u>	<u>Sentence</u>
U/s. 138 of the N.I. Act	S.I. for 08 months and compensation under Section 357(3) of the Cr.P.C. of Rs.98,100/- in default of nonpayment of compensation S.I. for 20 days.
It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant was on bail during the pendency of trial and also during the pendency of appeal and further, a compromise has taken place between the applicant and respondent No.1. Pursuant to which, the applicant has already paid Rs.59,620/- and he is ready to pay remainder of the amount, therefore, it is prayed that the application be allowed and he may be released on bail. Learned counsel for respondent No.1 is yet to be noticed. Learned counsel for the State/ respondent No.2 makes a formal objection. Heard learned counsel for the parties and perused the documents. Considering the fact that the applicant had been on bail during the trial as well as in appeal and it appears that a compromise has taken place between the applicant and respondent No.1 who is the complainant in this case, the application is allowed and the sentence of imprisonment is suspended. It is directed that the jail sentence imposed upon the applicant shall remain suspended during the pendency of this criminal revision and he shall be released on bail on his furnishing a	

personal bond in the sum of Rs.25,000/- with one surety in like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court on **19th February, 2020**. He shall thereafter appear before the trial Court on a date to be given by the Registry of this Court and shall continue to appear there on all such subsequent dates as are given to him by the said Court, till disposal of this criminal revision.

Call for the record of the Court below.

List this case for final hearing in due course.

Sd/-

(Rajendra Chandra Singh Samant)
Judge