

Pradeep Kumar Vs. Chint Ram

Cr. Revision No. 177 of 2025

8.4.2025 Present: Mr. Vipin Rajta, Advocate, for the petitioner.

Notice be issued to the respondent, returnable for 20.5.2025, on steps being taken within a week.

Cr. M.P. No. 1290 of 2025

2. By way of the present application, under Section 438 (1) of Bharatiya Nagarik Suraksha Sanhita (hereinafter referred to as 'the BNSS'), the petitioner/applicant has sought the suspension of order of sentence, dated 12.10.2023, passed by the learned Judicial Magistrate First Class, Court No. 1, Solan, H.P. (hereinafter referred to as 'the trial Court'), in case No. 155/3 of 2023/19, titled as, 'Chint Ram versus Pradeep Kumar', whereby the learned trial Court, vide judgment of conviction, dated 31.8.2023, and order of sentence dated 12.10.2023, has convicted the applicant for the commission of offence, under Section 138 of N.I. Act and sentenced him to undergo simple imprisonment for a period of six months and to pay compensation of Rs. 6,20,000/-.

3. The said judgment of conviction and order of sentence has been affirmed by the learned Additional Sessions Judge-II, Solan, H.P. (hereinafter referred to as 'the First Appellate Court'), vide judgment dated

22.1.2025, in Cr. Appeal No. 19-ASJ-II/10 of 2024/23, titled as, 'Pradeep Kumar versus Chint Ram'.

4. Since the revision against the judgment of conviction and order of sentence, as referred to above, will take sufficient long time, for its disposal, as such, the order of sentence dated 12.10.2023 is suspended during the pendency of the revision, subject to the following conditions:

(i) That the applicant shall furnish personal bond in the sum of Rs. 50,000/-, alongwith 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 in the event of final dismissal of the revision petition, he will surrender before the learned trial Court to serve the remainder substantive sentence;

(ii) That the applicant shall deposit 30% of the total amount of compensation, with the learned trial Court, within a period of four weeks from today, which shall be in addition to the amount, if any, already deposited by the applicant;

(iii) That the applicant shall not leave the country without the prior permission of the Court.

5. The application is, thus, disposed of.

6. A copy of this order be sent to the learned trial Court, with the direction that the report of compliance of this order be submitted to this Court, on or before the next date of hearing.

**(Virender Singh)
Judge**

April 8, 2025

(kalpana)