

(2024) 05 MP CK 0046

In the Madhya Pradesh High Court

Case No : Criminal Revision No. 2125 Of 2024

Dinesh Chorasiya

APPELLANT

Vs

Anil Agarwal

RESPONDENT

Date of Decision : 07-05-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 397(1)
Negotiable Instruments Act, 1881 — Section 138

Citation : (2024) 05 MP CK 0046

Hon'ble Judges : Prem Narayan Singh, J

Bench : Single Bench

Advocate : Rizwan Nizam

Judgement

Prem Narayan Singh, J

1. Heard on I.A. No. 7155 of 2024 which has been filed under Section 397(1) of the Code of Criminal Procedure for suspension of jail sentence and grant of bail on behalf of petitioner.

2 . The petitioner has been convicted under Section 138 of Negotiable Instruments Act, 1881 and sentenced to undergo for one year and six months of R.I. with fine of Rs.10,62,000/- with default stipulation.

3 . Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner is ready to deposit 25% of the total amount of Rs.10,62,000/- i.e. Rs. 2,65,500/- before the Trial Court. hence, he prays that the petitioner may be released on bail.

4 . On due consideration of the submissions made on behalf of the petitioner and looking to the fact that the petitioner is in jail, it would be appropriate to suspend the jail sentence of the petitioner.

5. Accordingly, IA No. 7155 of 2024 filed on behalf of petitioner is allowed. It is

directed that subject to deposit of Rs.2,65,500/- of the total amount of Rs.10,62,000/- with the trial Court and on furnishing personal bond by petitioner in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety in the like amount to the satisfaction of the learned trial Court, for his regular appearance before the registry of this Court, the execution of custodial part of the remaining sentence imposed against the petitioner shall remain suspended, till the final disposal of this petition.

6. The petitioner, after being enlarged on bail, shall mark his presence before the registry of this Court on 25.07.2024 and on all such subsequent dates, which are fixed by the registry in this regard.

Let the record of the Courts below be called for. Certified copy, as per rules.