# HIGH COURT OF JUDICATURE FOR RAJASTHAN BENCH AT JAIPUR

S.B. Criminal Misc. Suspension of Sentence Application No.175/2024

In

S.B. Criminal Revision Petition No. 507/2024

Birdhichand S/o Shri Poonamchand @ Poonaram, Utshav Vatika Ke Pas, Beawar, district Ajmer (At Present Confined In District Jail, Beawar)

----Accused-Petitioner

#### Versus

- 1. State of Rajasthan, Through Public Prosecutor
- Lokesh Sharma S/o Shri Gopal Krishan Sharma, R/o Halwai Gali Manak Dangi Ke Makan Ke Samne, Beawar District Ajmer

----Complainant-Respondents

For Petitioner(s) : Mr. Rakesh Trivedi, Adv., for

Mr. Vinay Pal Yadav, Adv.

For Respondent(s) : Ms. Manju Dave, P.P.

# HON'BLE MR. JUSTICE UMA SHANKER VYAS

### **Judgment / Order**

## 31/07/2025

Heard learned counsel for the petitioner on the application for suspension of sentence.

The revision petition has been filed against the order dated 18.04.2023 passed by the learned trial Court in Criminal Case No.931/2017, whereby, the accused-petitioner has been convicted for the offence under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo 1 year simple imprisonment along with fine of Rs.2,30,000/- and in default of payment of fine, to further undergo three months simple imprisonment. An appeal

was preferred by the accused against the said order which was dismissed by the learned appellate Court while affirming/modifying the order of the learned trial Court.

Learned counsel for the accused-petitioner submits that the accused-petitioner was on bail during trial and is presently behind the bars. Learned counsel also submits that his financial position is not sound. However, he is ready to deposit the amount as ordered by this Court.

Considering the provision of Section 148 of the Negotiable Instruments Act, 1881 and facts and circumstances of the case, this application for suspension of sentence is allowed. The sentence of the accused-applicant namely, **Birdhichand S/o Shri Poonamchand @ Poonaram** is suspended till final disposal of the revision petition, provided he deposits a sum of Rs.35,000/-by way of Demand Draft in the name of complainant before the learned trial Court and also furnishes a personal bond of Rs.1,00,000/- with one surety of the like amount to the satisfaction of the concerned trial Court with the stipulation that he shall appear before this Court on 03.09.2025 and thereafter as and when called upon to do so.

It is also ordered that the original Demand Draft shall be delivered to the complainant subject to an undertaking to be furnished by the complainant before the learned trial Court to the effect that in case the revision petition is decided against him, he will refund the aforesaid amount along with interest @7% per annum.

A copy of this order be sent to the concerned trial Court for compliance.

(UMA SHANKER VYAS),J

YOGESH KUMAR /53