Ganga Ram Vs Surender Kumar

Cr. Revision No. 259 of 2025

30.01.2026 Present: Mr. Rahul Sharma, Advocate, vice Mr. Bodh Raj, Advocate, for the petitioner.

Mr. S.K. Banyal, Advocate, for the respondent.

Cr. M.Ps. No. 407 & 383 of 2026

At this stage, learned Counsel for the petitioner made a request for preponment of the matter, in view of the fact that he has filed an application for suspension of sentence imposed on him. Prayer allowed. Matter is taken for further orders.

2. The petitioner was convicted for commission of offence punishable under Section 138 of Negotiable Instruments Act, by the learned Judicial Magistrate First Class, Chachiot at Gohar, District Mandi, H.P. (Camp at Thunag), vide judgment dated 15.07.2024, in case Registration No. 267/2022, titled as "Surender Kumar Vs Ganga Ram". As per order dated 15.07.2024, the learned trial Court has sentenced the petitioner to undergo simple imprisonment for a period of six months and further to pay compensation of Rs. 5,50,000/- to the complainant, for the loss suffered by the complainant. In default of payment of compensation, to further undergo simple imprisonment for one month.

3. The petitioner feeling aggrieved by the judgment of conviction and order of sentence, had preferred the appeal before the learned Sessions Judge Mandi, Division Mandi, H.P., however, the appeal preferred by the petitioner was dismissed on 13.03.2025.

4. Feeling aggrieved by the judgment passed by the learned trial Court and learned Sessions Judge Mandi, the petitioner preferred the present revision petition.

5. This Court vide order dated 21.05.2025, had ordered for suspension of sentence on the following conditions:-

> *(i) That the applicant shall furnish personal bond in the sum of Rs.50,000/-, along with 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 he will surrender before the learned trial Court to serve the remainder substantive sentence, in case of ultimate dismissal of the present revision petition, by this Court;*
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> *(ii) That the applicant shall deposit 30% of the total amount of compensation, which has been referred to by the learned trial Court as fine, with the learned trial Court, within a period of four weeks from today, which shall be in addition to the amount, if not, already deposited by the applicant.*
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> *(iii) The applicant shall not leave the territory of India without the prior permission of the Court.*

6. The petitioner did not comply with the conditions imposed by this Court and this Court vide order dated 19.09.2025, had withdrawn the protection granted to the petitioner vide order dated 21.05.2025.

7. The revision petition preferred by the petitioner was admitted on 19.09.2025.

8. Since the petitioner did not comply with the conditions imposed by this Court, the learned trial Court vide order dated 18.10.2025 had been pleased to issue Non Bailable Warrants against him for 15.01.2026 and in compliance of the said order, the petitioner has been arrested on 13.01.2026 and has been taken into judicial custody and presently is lodged in District Jail Mandi, District Mandi, H.P.

9. Now by way of filing an application, which is registered as Cr. M.P. No. 383 of 2026, the petitioner has prayed for staying the operation of sentence imposed upon him. With the application, the petitioner has also placed on record the affidavit, executed by the complainant-respondent on 14.01.2026, wherein he has submitted that he has received the full and final payment of the cheque amount from the petitioner through his wife Smt. Rukmani and no amount is left to be paid by the petitioner to him. He has further stated in the affidavit that he does not want to pursue the

complaint instituted by him against the petitioner and wants to withdraw the same. In this very affidavit, it has also been stated that petitioner is serving imprisonment.

10. Learned Counsel for the respondent Surender Kumar has also admitted before this Court that the entire amount which was due has been paid to his client and he does not want to pursue the complaint further. Learned counsel has also submitted before the Court that his client has no objection in case the judgment of conviction and order of sentence imposed upon the petitioner by the learned trial Court is quashed and set aside.

11. Keeping in view the fact that the matter between the parties has been settled, no fruitful purpose is to be served in case the petitioner is kept in custody and not enlarged on bail.

12. Since the respondent has received the amount and he does not have any grievance against the petitioner and further more he does not want to pursue the complaint instituted by him on the basis of which the petitioner has been convicted and sentenced, interest of justice demands that the petitioner be released forthwith.

13. Since petitioner-accused is lodged in District Jail Mandi, District Mandi, H.P., as such, he is ordered to be released forthwith, if not required in any other case.

14. Application is, accordingly, disposed of.

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15. List on 28.02.2026, before appropriate Bench.

16. A copy of this order be sent to the learned trial Court, with a direction that the report of compliance of this order be submitted to this Court.

(Jiya Lal Bhardwaj)
Vacation Judge

30th January, 2026
(*Pramod Kumar*)

YOGESH SHARMA
Digitally signed by YOGESH SHARMA
Date: 2026.01.30 19:13:26 +0530