

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.                      OF 2026  
(Arising out of SLP (Crl.) No. 18227 of 2025)

SHYAM DASS

APPELLANT(S)

VERSUS

DINA NATH THAKUR

RESPONDENT(S)

O R D E R

1. Leave granted.
2. The appellant faced a criminal trial under Section 138 of The Negotiable Instruments Act, 1881 on the ground that the cheque issued by him in discharge of the liability had been returned unpaid.
3. The said proceedings resulted in conviction of the appellant by judgment dated 09.03.2016 wherein the learned Magistrate sentenced the appellant to undergo simple imprisonment for one year and to pay compensation of Rs. 5,25,000/- to the complainant.
4. This was challenged before the appellate court, which directed suspension of sentence and directed the appellant to deposit 50 percent of the compensation.
5. Aggrieved by the said order dated 12.04.2016, appellant filed Criminal Miscellaneous No. 214 of 2016

before the jurisdictional High Court, and the High Court directed the appellant to furnish surety for the said amount within two months and upholding the suspension of sentence. Subsequently, the appeal came to be dismissed.

6. Thereafter, the revision petition also came to be dismissed on 05.11.2026. Hence, the present appeal is filed.

7. Undisputedly, during the pendency of the appeal, a sum of Rs. 2,62,500/- has been deposited as evident from Annexure P7 and subsequently, sum of Rs. 1,87,500/- on 27.03.2026 has been deposited as evident from Annexure P-11. Thereafter, the appellant deposited Rs. 75,000/- by demand draft No. 222060 dated 26.12.2025 drawn on Bank of Baroda, Branch Manali before the jurisdictional Trial Court. Thus, appellant has already deposited a sum of Rs. 5,25,000/- in total.

8. In these circumstances, we are of the considered view that sentence of imprisonment imposed on the appellant stands set aside and the amount of compensation as ordered by the learned Magistrate stands affirmed, and respondent-complainant is permitted to withdraw the said amount.

9. It is made clear that in the event of said amount as stated before this court has not been deposited by the appellant-accused before the jurisdictional court, the

order of conviction and sentence imposed on the appellant would stand revived.

10. The appeal is allowed in the above terms.

11. Pending application(s), if any, shall stand disposed of.

.....J.  
[ARAVIND KUMAR]

.....J.  
[PRASANNA B. VARALE]

NEW DELHI;  
11 May, 2026

ITEM NO.44

COURT NO.14

SECTION II-C

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 18227/2025

[ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 05-11-2024  
IN CRR NO. 05/2019 PASSED BY THE HIGH COURT OF HIMACHAL PRADESH AT  
SHIMLA]

SHYAM DASS

PETITIONER(S)

VERSUS

DINA NATH THAKUR

RESPONDENT(S)

IA No. 265651/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT

IA No. 265649/2025 - EXEMPTION FROM FILING O.T.

Date : 11-05-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR  
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) :Mr. Shivam Prashar, Adv.  
Mr. Adarsh Kumar Vashishta, Adv.  
Mr. Amol Chitravanshi, AOR

For Respondent(s) :Mr. Ajay Marwah, AOR  
Mr. Swaroopanand Mishra, Adv.  
Mr. Mrigank Bhardwaj, Adv.  
Ms. Dhriti Sharma, Adv.  
Mr. Rahul Kumar, Adv.  
Mr. Ravideep Singh, Adv.  
Ms. Shivani Singh, Adv.  
Ms. Neeharika Mazumdar, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

1. Leave granted.
2. The appeal is allowed in terms of the signed order placed on the file.
3. Pending application(s), if any, shall stand disposed of.

(RAHUL KUMAR)  
COURT MASTER (SH)

(AVGV RAMU)  
COURT MASTER (NSH)