

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (DIRECTION) NO. 4777 of 2026**

With
CRIMINAL MISC.APPLICATION (FOR AMENDMENT) NO. 1 of 2026
In R/CRIMINAL MISC.APPLICATION NO. 4777 of 2026

=====

RAJESH LALJIBHAI SAKHIYA

Versus

SHREE RAM TRANSPORT FINANCE CO. LTD. THRO VIPUL
ANILKUMAR RANIGA & ANR.

=====

=====
Appearance:

MR SANDIP M PATEL(5649) for the Applicant(s) No. 1

ROHAN RAVAL, APP for the Respondent(s) No. 2

=====

CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL

Date : 04/06/2026

ORAL ORDER

1. Leave to amend. Amendment to be carried out forthwith.
2. Rule fixed forthwith. Learned APP waives service of rule on behalf of the respondent – State.
3. Heard learned advocate Mr. Sandip M Patel for the applicant.
4. The applicant has challenged the order passed below Exh. 5 in Criminal Appeal No. 37 of 2026, arising out of the judgment and order dated 01.01.2026 passed by the learned Judge, Small Causes Court, Rajkot in Criminal Case No. 13209 of 2018, whereby the applicant came to be convicted. The said judgment and order of conviction was challenged

before the Appellate Court by way of the aforesaid appeal. While considering the application for suspension of sentence, the learned 9th Additional District and Sessions Judge, Rajkot, vide the impugned order dated 31.01.2026, directed the applicant to deposit 20% of the compensation amount awarded by the trial Court within 30 days as a condition for suspension of sentence.

5. Learned advocate for the applicant has raised various contentions as to why the applicant ought not to have been directed to deposit 20% of the compensation amount. It is submitted that the requirement of depositing 20% of the compensation amount is not absolute and can be waived in appropriate cases in view of the judgment of the **Hon'ble Supreme Court in *Jamboo Bhandari v. M.P. State Industrial Development Corporation Ltd. and Others*, reported in 2023 AIJEL-SC 72540**. It is further submitted that the Appellate Court has passed the impugned order below Exh.5 without assigning any reasons or considering the grounds raised in the memorandum of appeal. According to the learned advocate, although several substantial grounds were urged before the Appellate Court, the same have not been adverted to while passing the impugned order. It is, therefore, contended that the impugned order suffers from a patent error apparent on the face of the record and has been passed mechanically, directing the applicant to deposit 20% of the compensation amount without due consideration of the facts and circumstances of the case. On these grounds, it is prayed that appropriate relief be granted to the applicant.

6. **Per contra**, learned APP Mr. Rohan Raval appearing for the respondent–State has opposed the application and submitted that no interference is warranted in exercise of the extraordinary jurisdiction of this Court. He has, therefore, urged that the present application be rejected.

7. In the facts of the present case, this Court does not find it necessary to issue notice or Rule to **respondent No. 1** – the original complainant, as the limited question that arises for consideration is whether the Appellate Court has committed any error in directing the applicant to deposit 20% of the compensation amount while passing the impugned order granting suspension of sentence.

8. Having heard learned advocate Mr. Sandip M. Patel for the applicant and having perused the impugned order, it transpires that no reasons have been assigned or recorded by the learned Appellate Court while directing the applicant to deposit 20% of the compensation amount. Though the learned Appellate Court has observed that the grounds mentioned in the memorandum of appeal as well as the submissions advanced on behalf of the applicant were considered, no reasons have been assigned as to why the contentions raised by the applicant were not accepted.

9. It is a settled principle of law that the power to direct deposit of 20% of the compensation amount under the

provisions of the Negotiable Instruments Act is discretionary in nature and such discretion is required to be exercised on the basis of cogent and recorded reasons. In the present case, the impugned order is a non-speaking order and does not reflect due consideration of the specific grounds raised by the applicant in the memorandum of appeal.

10. In view of the aforesaid facts and circumstances, the impugned order dated 31.01.2026 passed by the learned 9th Additional District and Sessions Judge, Rajkot below Exh. 5 in Criminal Appeal No. 37 of 2026 is hereby quashed and set aside. The learned Appellate Court is directed to reconsider and decide the application below Exh. 5 afresh, in accordance with law, after considering the grounds raised in the memorandum of appeal and by passing a reasoned and speaking order, particularly on the aspect as to whether the applicant has made out a case for exemption from depositing 20% of the compensation amount.

11. Since the order directing deposit of 20% of the compensation amount is quashed and set aside, all consequential orders passed pursuant thereto, more particularly the order passed below Exh. 12 in Criminal Appeal No. 37 of 2026 dated 30.04.2026, shall also stand quashed and set aside.

12. The present application, therefore, succeeds in part. Rule is made absolute to the aforesaid extent. Direct service is

permitted.

**CRIMINAL MISC.APPLICATION (FOR AMENDMENT) NO. 1
of 2026**

In view of the disposal of the main matter, no further orders are required to be passed in Criminal Misc. Application No. 1 of 2026 and the same stands disposed of as having become infructuous.

MOHD SAIF ULLAH

(P. M. RAVAL, J)