

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Suspension of Sentence Application No.28/2026

in

S.B. Criminal Revision Petition No. 115/2026

Ravi Kumar S/o Nandlal Soni, Aged About 51 Years, Resident Of
8/172,chopasni Housing Board, Police Station Chopasni Housing
Board, Jodhpur (Lodged In Central Jail Jodhpur)

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Himanshu S/o Bajrang Ramawat, Resident Of
8/318,chopasni Housing Board, Police Station Chopasni
Housing Board, Jodhpur.

-----Respondents

For Petitioner(s)	:	Ms. Kshama Purohit
For Respondent(s)	:	Mr. NS Chandawat, PP

HON'BLE MR. JUSTICE FARJAND ALI

Order

25/02/2026

1. The instant application for suspension of sentence has been moved on behalf of the applicant in the matter of judgment dated 22.07.2024 passed by the learned Judicial Magistrate No.9, Jodhpur in Regular Criminal Case No.765/2019 whereby he was convicted and sentenced to suffer maximum imprisonment of 1 year under Section 138 of NI Act along with a fine of Rs.7,47,500/- and in default of payment further to undergo 1 months imprisonment.

2. It is contended on behalf of the applicant that the learned trial Judge has not appreciated the correct, legal and factual

aspects of the matter and thus, reached at an erroneous conclusion of guilt, therefore, the same is required to be appreciated again by this court. Hearing of the revision is likely to take long time, therefore, the application for suspension of sentence may be granted.

3. Per contra, learned public prosecutor has vehemently opposed the prayer made on behalf of the accused-applicant for releasing the petitioner on application for suspension of sentence.

4. Heard learned counsel for the parties and perused the material available on record.

5. Considering the submissions of learned counsel for the parties and looking to the totality of facts and circumstances of the case, more particularly the penurious condition of the peititoner and the hearing of revision is likely to take further more time and considering the overall submissions while refraining from passing any comments on the niceties of the matter and the defects of the prosecution as the same may put an adverse effect on hearing of the revision, this court is of the opinion that it is a fit case for suspending the sentence awarded to the accused-petitioner.

6. Accordingly, the application for suspension of sentence filed under Section 397/401 Cr.P.C. is allowed and it is ordered that the sentence passed by learned trial court, the details of which are provided in the first para of this order, against the petitioner named above shall remain suspended till final disposal of the aforesaid revision provided he executes a personal bond in the

sum of Rs.50,000/-with two sureties of Rs.25,000/- each to the satisfaction of the learned trial Judge and further subject to the condition that the petitioner shall deposit a sum of 50,000/- before learned trial judge and whenever ordered to do so till the disposal of the revision on the conditions indicated below:-

- (1) That he will appear before the trial Court in the month of January of every year till the revision is decided.
 - (2) That if the applicant changes the place of residence, he will give in writing his changed address to the trial Court as well as to the counsel in the High Court.
 - (3) Similarly, if the sureties change their addresses, they will give in writing their changed address to the trial Court.
7. The learned trial Court shall keep the record of attendance of the accused-applicant in a separate file. Such file be registered as Criminal Misc. Case related to original case in which the accused-applicant was tried and convicted. A copy of this order shall also be placed in that file for ready reference. Criminal Misc. file shall not be taken into account for statistical purpose relating to pendency and disposal of cases in the trial court. In case the said accused applicant does not appear before the trial court, the learned trial Judge shall report the matter to the High Court for cancellation of bail.

(FARJAND ALI),J