

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

S.B. Criminal Revision Petition No. 234/2025

Ghanshyam S/o Shri Mangilal Panda, Aged About 70 Years, R/o
Kanoj, Police Station Bhadesar, District Chittorgarh. (Raj)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Usman Ghani
For Respondent(s)	:	Mr. Vikram Singh Rajpurohit, PP

HON'BLE MR. JUSTICE MANOJ KUMAR GARG

Order

15/07/2025

The present criminal revision petition under Sections 438/442 of BNSS, 2023 has been filed by the petitioner against the order dated 28.01.2025 passed by the learned Addl. District & Sessions Judge No.2, Nimbahera, District Chittorgarh in Criminal Appeal No.12/2016, by which the learned appellate Court released the petitioner against the sentence already undergone by him but enhanced the penalty amount to Rs.2,50,000/-, whereas the learned Addl. Chief Judicial Magistrate No.1, Nimbahera vide order dated 30.06.2015 convicted the petitioner for offence under Section 408 IPC and sentenced him for four years' rigorous imprisonment and a fine of Rs.1,50,000/- and in default of payment of fine he shall further undergo two years' simple imprisonment.

Learned counsel for the petitioner submits that the trial Court convicted the petitioner for offence under Section 408 IPC and sentenced him for four years' rigorous imprisonment and a fine of Rs.1,50,000/- and the said order was challenged by the petitioner by way of filing appeal before the appellate Court, who vide order dated 28.01.2025 released the petitioner undergo but enhanced the fine amount from Rs.1,50,000/- to Rs.2,50,000/-. Thereafter the petitioner has preferred a revision petition before this Hon'ble Court against the order dated 28.01.2025, in which vide order dated 18.02.2025 this Court has directed the petitioner to deposit 50% of the fine amount and in compliance of the order, he deposited Rs.1,25,000/- (i.e. 50% of the Rs.2,50,000/-). Counsel further submits that the petitioner is an indigent, old aged person and is not keeping good health, therefore, the fine amount as imposed by the learned appellate Court may kindly be reduced.

Learned Public Prosecutor opposed the prayer made by the counsel for the petitioner.

I have considered the arguments advanced before me and carefully gone through the material available on record.

In view of the submissions made by the counsel for the petitioner and looking to the financial condition of the petitioner, the fine enhanced by the learned appellate Court i.e. learned Addl. District & Sessions Judge No.2, Nimbahera, Chittorgarh appears to excessively high, therefore, the fine enhanced by the appellate Court is set aside and the fine amount i.e. Rs.1,50,000/- as imposed by the learned trial Court i.e. learned Addl. Chief Judicial Magistrate No.1, Nimbahera, Chittorgarh is hereby restored. Now

the petitioner is directed to further deposit Rs.25,000/- before the learned trial Court within a period of one month from today.

With the above submissions, the present revision petition is hereby disposed of. Stay petition is also decided accordingly.

(MANOJ KUMAR GARG),J

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