

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

S.B. Criminal Application for Suspension of Sentence No.70/2026

IN

S.B. Criminal Revision Petition No. 299/2026

Lehrudas S/o Ramdas Beragi, Aged About 42 Years, R/o Gram
Udana, Mukam Post, Tehsil Rashmi, District Chittorgarh,
Rajasthan. (Petitioner Lodged In Central Jail Udaipur)

-----Petitioner

Versus

1. State Of Rajasthan, Through P.p.
2. Nanalal S/o Jaganath, R/o Gram Udana, Tehsil, Rashmi,
District Chittorgarh, Rajasthan

-----Respondents

For Petitioner(s) : Mr. P.R. Sen

For Respondent(s) : Mr. Shri Ram Choudhary, PP

HON'BLE MR. JUSTICE FARJAND ALI

Order

25/02/2026

1. The present application has been filed on behalf of the petitioner seeking suspension of sentence during the pendency of the criminal revision petition preferred under Sections 397/401 Cr.P.C./Section 438 R/w 442 of B.N.S.S. against the judgment dated 02.02.2026 passed by the learned Additional Sessions Judge, Kapasan, District Chittorgarh in Criminal Appeal No. 20/2024, whereby the appeal filed by the petitioner was dismissed and the judgment dated 09.10.2024 passed by the learned Civil Judge and Judicial Magistrate, Rashmi, District Chittorgarh in Criminal Regular Case No. 35/2017 (CIS No. 35/2017) was affirmed. By the said judgment, the petitioner was convicted for

the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo two years' simple imprisonment along with payment of compensation of Rs.2,00,000/-, in default of payment of fine to further undergo 2 months' S.I.

2. Learned counsel for the petitioner submits that the petitioner is presently in custody. It is further submitted that the petitioner has raised arguable grounds in the revision petition and that the sentence awarded is of short duration. Learned counsel further submits that without prejudice to his rights in the revision petition, the petitioner is ready and willing to deposit Rs.30,000/- out of the cheque amount before the learned trial court. It is, therefore, prayed that the substantive sentence awarded to the petitioner be suspended during the pendency of the revision petition.

3. Per contra, learned Public Prosecutor has opposed the prayer for suspension of sentence.

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

5. Considering the nature of the offence, the sentence awarded, the fact that the petitioner is in custody, the readiness expressed by him to deposit Rs.30,000/- out of the cheque amount and the grounds raised in the revision petition, and without expressing any opinion on the merits of the case lest it may prejudice the final adjudication of the revision petition, this Court is of the opinion that it is a fit case to suspend the substantive sentence awarded to the petitioner, subject to appropriate conditions.

6. Accordingly, the application for suspension of sentence is allowed. It is ordered that the substantive sentence passed by the learned trial court and affirmed by the appellate court against the petitioner shall remain suspended till final disposal of the criminal revision petition. The petitioner shall be released on bail, provided:

- (i) He furnishes 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 court;
- (ii) He deposits Rs.30,000/- of the cheque amount before the learned trial court within a period of four weeks from today. Any amount already deposited by the petitioner before the learned trial court shall be adjusted towards the said amount;
- (iii) He appears before the trial court in the month of January of every year till the revision petition is finally decided;
- (iv) In case the petitioner changes his place of residence, he shall intimate in writing his changed address to the trial court as well as to his counsel in this Court;
- (v) The sureties shall also intimate in writing any change of address to the trial court.

7. The petitioner be released forthwith, if not required in any other case, upon compliance of the above conditions.

(FARJAND ALI),J