

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

S.B. Criminal Misc. Suspension of Sentence Application
No.78/2026

in

S.B. Criminal Revision Petition No. 321/2026

Manoj S/o Shri Balraj, Aged About 52 Years, Resident Of Behind
Vasundhra Developers, Rani Bazar, Bikaner, Raj. (At Present
Lodged In Dist. Jail, Bikaner,raj.)

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Om Prakash S/o Shri Kojuram, Resident Of House No.c-
136, Kanta Khaturiya Colony, Bikaner Raj.

----Respondents

For Petitioner(s) : Mr. Bhom Singh

For Respondent(s) : Mr. N.S. Chandawat, DyGA

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. against the judgment dated 17.02.2026 passed by the learned Additional Sessions Judge No. 6, Bikaner in Criminal Appeal No. 27/2022 (CIS No. 141/2022), whereby the appeal filed by the petitioner was dismissed and the judgment dated 16.09.2022 passed by the learned Special Judicial Magistrate (N.I. Act Cases) No. 2, Bikaner in Criminal Regular Case No. 24/2017 (CRC No. 11561/2017) 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 one year's simple imprisonment along with payment of compensation of Rs.4,00,000/-.

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 20% 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 20% 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 20% 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