

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

S.B. Criminal Revision Petition No. 418/2026

Vijay Kumar S/o Shri Hansraj, Aged About 55 Years, Resident Of
3/114, Shanker Colony, Sri Ganganagar Rajasthan. (Presently
Lodged At Central Jail, Sri Ganganagar)

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Shyam Kalda S/o Shri Rajkishan Kalda, Resident Of 3-E,
17, Jawaharnagar, Sri Ganganagar (Rajasthan).

-----Respondents

For Petitioner(s)	:	Mr. Devendra Singh Thind a/w Mr. Amit Kumar.
For Respondent(s)	:	Mr. Surendra Bishnoi, PP.

HON'BLE MR. JUSTICE MUNNURI LAXMAN

Order

25/03/2026

1. Heard on the application seeking suspension of sentence
(No. 102/2026).
2. The learned counsel appearing for the petitioner submits that
both the courts below have erroneously convicted the petitioner
for the offence punishable under Section 138 of the Negotiable
Instruments Act though the defence set by the petitioner was that
the cheque was misused by the partner taking advantage of the
partnership existing between the parties.
4. As seen from the impugned judgments, it appears that both
the courts below have concurrently held that the offence under
Section 138 of the Negotiable Instruments Act has been
committed by the petitioner.

5. Considering the relationship existing between the parties and considering the fact of conviction by both the courts below and the amount of cheque for which the cheque was issued and the year of transaction, this Court is inclined to allow the application for suspension of sentence (No. 102/2026) with certain conditions.

6. Considering the grounds raised in the present revision petition and the fact that disposal of the revision petition will take its own time, therefore, the application for suspension of sentence under Section 438 read with Section 442 of BNSS, 2023 read with Section 397 read with Section 401 of Cr.P.C. is **allowed** and the sentence of the accused-applicant- **Vijay Kumar S/o Shri Hansraj** is suspended till disposal of present revision petition with the condition that he shall execute a personal bond for the sum of Rs.50,000/-with two sureties of Rs.25,000/- each to the satisfaction of the learned trial Judge for his appearance in this Court on **27.04.2026** and whenever ordered to do so till the disposal of the revision petition on the conditions indicated below:-

i. That he/she/they shall appear before the trial Court as fixed by the Trial Court on first appearance. The next appearance shall be fixed with time gap of one year till the revision petition is decided.

ii. That if the applicant(s) changed the place of residence, he/she/they shall inform in writing his/her/their changed address to the trial Court as well as to the counsel in the High Court.

iii. Similarly, if the sureties changed their address(s), they will give in writing their changed address to the trial Court.

7. Besides the above, the petitioner is also directed to deposit Rs. 3,00,000/- within a period of 60 days, to be paid to the respondent No.2, upon furnishing of an undertaking to the effect that if the petitioner succeeds in the present revision petition, he will refund the amount of Rs. 3,00,000/- with interest at the prevalent rate. However, if the amount of Rs. 3,00,000/- is not deposited within the stipulated period of 60 days, the operation of the present suspension order gets revoked and sentence revived.

8. Admit. Issue notice to the respondents.

7. Call for the record.

(MUNNURI LAXMAN),J