

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

S.B. Criminal Miscellaneous (Petition) No. 2371/2026

CNR: RJHC010261282026

URN: CRLMP / 4208U / 2026

Nitesh Mathur S/o Satyanarayan, Aged About 43 Years, Resident
Of Badgaon Near Police Chauki Tehsil Badgaon District Udaipur
Rajasthan

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Dinesh S/o Jaitram, Resident Of Devra Ki Magri Bhuana
Tehsil Badgaon District Udaipur

----Respondents

For Petitioner(s) : Mr. Rajendra Singh Rathore

For Respondent(s) : Mr. Hanuman Prajapati, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

06/07/2026

Learned counsel for the petitioner has challenged the order dated **22.01.2025** passed by learned Additional Sessions Judge, Women Atrocities Cases, Udaipur in Criminal Appeal No.16/2025 for offence under Section 138 N.I. Act.

Learned counsel for the petitioner submits that daughter of the petitioner met with an accident and the condition is serious. In such circumstances, he is not in a position to deposit the 20 per cent of amount.

It is further submitted that, in these circumstances, the present case falls within the ambit of exceptional circumstances warranting the grant of appropriate relief.

Learned counsel for the petitioner has relied upon the judgment passed by the Coordinate Bench of this Court in **S.B. CRLMP No. 9802/2025**, dated **28.04.2026**, and has submitted that this Court has already held, in light of the judgment of **Jamboo Bhandari v. M.P. State Industrial Development Corporation Ltd. & Ors.**, reported in **(2023) 10 SCC 446**, that such a condition is not justified, particularly when it has been imposed without assigning any reasons.

The matter required consideration.

Issue notice.

Learned Public Prosecutor accept notice on behalf of respondent-State.

Let notice be issue to respondent No.2, returnable within three weeks.

In view of the same, the order dated **22.01.2025** passed by learned Additional Sessions Judge, Women Atrocities Cases, Udaipur in Criminal Appeal No.16/2025 for offence under Section 138 N.I. Act shall remain stayed to the extent of ordering the petitioner to deposit 20% of the fine as a condition process of suspension of sentence.

In the meanwhile, learned trial Court is free to proceed with the matter.

(BALJINDER SINGH SANDHU),J