

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

S.B. Criminal Miscellaneous (Petition) No. 2394/2026

CNR: RJHC010279222026

URN: CRLMP / 4253U / 2026

Mohammad Aarif S/o Hakim Ali Khan Moyal, Aged About 53
Years, Resident Of Ward No. 3, Pankha To Bagala School Road,
Athuna Mohalla, Churu Rajasthan

----Petitioner

Versus

Smt. Sampat Devi W/o Shri Chananmal Jangid, Resident Of
Ward No. 06, Near Teliyon Ki Masjid, Athuna Mohalla, Churu
Presently Residing At Ward No.12, Ganpat Vihar Colony, Near
Bhikham Singh Koti, Sardarshahar, Tehsil Sardarshahar, Distt.
Churu (Raj.)

----Respondent

For Petitioner(s) : Mr. S.K. Poonia

For Respondent(s) : Mr. Vikram Rajpurohit, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

17/07/2026

Learned counsel for the petitioner has challenged the order dated 23.02.2026 passed by learned Sessions Judge, Churu in Criminal Appeal No.17/2026 whereby while suspending the sentence of punishment under Section 138 N.I. Act the petitioner was directed to deposit 20% of the fine amount.

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 requires consideration.

Issue notice, returnable within on 04.08.2026.

In view of the same, the order dated 23.02.2026 passed by learned Sessions Judge, Churu in Criminal Appeal No.17/2026 shall remain stayed to the extent of ordering the petitioner to deposit 20% of the fine as a condition precedent for suspension of sentence.

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

List this matter on 04.08.2026.

(BALJINDER SINGH SANDHU),J