

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

S.B. Criminal Miscellaneous Application No. 304/2026

Umar Farooq S/o Mohammad Ahsan, Aged About 36 Years, R/o Lohar Mohalla, Chittorgarh, Police Station Kotwali, Dist. And Tehsil Chittorgarh, Raj.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. District Minority Welfare Officer, Minority Cases department, Adarsh Colony, Kumbhanagar Chittorgarh through Its Officer In Charge Mr. Abhishek Siddh S/o Mahesh Chandra Siddh, R/o Tehla, Alwar, Presently R/o Chittorgarhraj.

-----Respondents

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

HON'BLE MR. JUSTICE FARJAND ALI

Order

08/05/2026

1. The instant criminal misc. application has been preferred seeking modification of the order dated 07.01.2025 passed by this Court in S.B. Criminal Misc. Petition No. 8615/2024 whereby the order dated 09.10.2024 passed by the learned District & Sessions Judge, Chittorgarh in Criminal Appeal No.166/2024 was modified and the petitioner was directed to deposit 10% of the cheque amount instead of 20% of the cheque amount.
2. Learned counsel for the petitioner submits that the petitioner is a person of limited financial means and is unable to comply with the condition of depositing 10% of the cheque amount. It is further submitted that despite the earlier indulgence granted by

this Court, the petitioner could not arrange the amount on account of acute financial hardship. Learned counsel further submits that the petitioner has raised arguable grounds in the memo of appeal and the appeal has fair chances of success.

3. Per contra, learned Public Prosecutor has opposed the application.

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

5. Having considered the submissions advanced, the material available on record and taking into account the grounds raised in the memo of appeal, this Court finds that the petitioner appears to be in penury and despite the earlier order dated 07.01.2025, he has not been able to deposit 10% of the cheque amount. Considering the financial condition of the petitioner, the possibility of success in appeal and also following the dicta laid down by the Coordinate Bench of this Court in ***S.B. Criminal Misc. Petition No. 7315/2024 (Pradeep Tusawda Vs. Bheraram Khatik) decided on 21.10.2024***, this Court deems it appropriate to further modify the condition imposed by the appellate court.

6. Accordingly, the instant criminal misc. application stands disposed of and the order dated 07.01.2025 is further modified to the extent that now the petitioner shall deposit Rs.5,000/- instead of 10% as directed earlier, within a period of 30 days from today.

(FARJAND ALI),J