

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

S.B. Criminal Misc(Pet.) No. 4349/2025

Hemendra Singh S/o Shri Chandraveer Singh, Aged About 54 Years, Resident Of Village Ratadiya Tehsil Sagwara District Dungarpur Raj.

-----Petitioner

Versus

Shri Harendra Singh S/o Shri Kalyan Singh, Resident Of Padwa Tehsil Sagwara District Dungarpur Raj

-----Respondent

For Petitioner(s) : Mr. Shambhoo Singh

For Respondent(s) : Mr. Narendra Singh Gehlot, DyGA

HON'BLE MR. JUSTICE FARJAND ALI

Order

21/07/2025

1. The petition was tried and ultimately convicted under Section 138 of the N.I. Act vide judgment dated 19.09.2024 passed by the learned ACJM, Sagwada, District Dungarpur in Criminal Regular Case No.81/2018. He made a challenge to the judgment of conviction and order of sentence by preferring an appeal alongwith an application under Section 389 of the CrPC, which came to be allowed with a condition to deposit 20% of the fine amount. Owing to the financial constraints, the petitioner failed to deposit the amount within the stipulated period, therefore, a warrant has been issued against him.

2. It is submitted that he is ready and willing to deposit the amount as directed by the court of appeal, therefore, he may be allowed to deposit the amount now and the warrant of arrest issued may be directed to be recalled.

3. Considering the submissions advanced, the instant criminal miscellaneous petition is allowed. It is ordered that the direction for issuance of warrant of arrest shall be recalled. The period stipulated by the learned court of appeal to deposit the amount is extended by a further period of 15 days from now. If the petitioner deposits that amount as directed to him by the learned court of appeal within a period of 15 days from today, the sentence awarded to him by the learned trial court shall remain suspended till disposal of the appeal.

(FARJAND ALI),J

229-Pramod/-