

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

S.B. Criminal Miscellaneous (Petition) No. 4186/2026

CNR: RJHC010507882026

URN: CRLMP / 7564U / 2026

Anantram Panwar S/o Shri Umaram Panwar, Aged About 56 Years, R/o House No 64 Narayan Bhomiya Ji Nagar Raika Bera Magra Punjabi Mandore District Jodhpur Rajasthan

-----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor
2. M/s Ambika Santitary And Tiles, Through Proprietor Sh. Mahesh Singhal S/o Sh Madan Lal Singhal R/o Near Basni Police Station Opposite To Hindustan Petrol Pump Salawas Road Basni 2Nd Phase Jodhpur

-----Respondents

For Petitioner(s) : Mr. D.R. Vaishanv

For Respondent(s) : Mr. Sameer Pareek, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

09/07/2026

Learned counsel for the petitioner has challenged the order dated 17.04.2026 passed by learned Additional District and Sessions Judge No.5, Jodhpur Metropolitan, whereby the order and Judgment of conviction dated 23.03.2026 passed by learned Special Judicial Magistrate (NI Act Cases) No.7, Jodhpur Metropolitan, in Criminal Appeal No.212/2025 to the extent of condition of 20% interim compensation for suspending the sentence of the petitioner in appeal.

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.

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

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

List this case on 04.08.2026.

In view of the same, the order dated 17.04.2026 passed by learned Additional District and Sessions Judge No.5, Jodhpur Metropolitan 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.

(BALJINDER SINGH SANDHU),J