

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

S.B. Criminal Miscellaneous (Petition) No. 4940/2026

Kishanlal S/o Bhanwarlal Aheer, Aged About 40 Years, R/o Bansda Ka Khera, Tehsil Vallabhnagar, District Udaipur (Rajasthan).(Presently Lodged In Central Jail, Udaipur).

-----Petitioner

Versus

Sampatlal S/o Shankarlal Janwa, R/o Bhatevar, Police Station Kheroda, Tehsil Vallabhnagar, District Udaipur.

-----Respondent

For Petitioner(s) : Mr. JVS Deora

For Respondent(s) :

**HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU
(VACATION JUDGE)**

Order

25/06/2026

Learned counsel for the petitioner submits that in the present case the petitioner is behind the bars only due to the reason that he could not deposit the 20% of the amount of fine as ordered by the learned Appellate Court vide order dated 02.06.2026. He submitted that the petitioner was already behind the bars as his financial condition is so bad that he could not deposit the fine and also could not comply with the order of the learned Appellate Court. It is stated that only because of the reason that the petitioner is unable to comply with the condition of 20% he cannot be kept behind the bars moreover the same would also prejudice his right of appeal to be heard on merits. He further submits that the Co-ordinate Bench of this Court in S.B. Criminal Misc. Petition No.4161/2026 has given interim protection to the

appellants vide order dated 26.05.2026. It is further submitted that the present case is similar to the aforesaid criminal misc. petition and, hence, a similar order may be passed in the present matter as well.

The order dated 26.05.2026 (supra) reads as follows:

- "1. Heard on the stay application.*
- 2. Learned counsel appearing for the petitioners submit that, in all the impugned orders, while imposing the condition, the Appellate court has not considered whether the case of the petitioners falls under an exception or not while imposing the condition of deposition of the award.*
- 3. Learned counsel for the petitioners submit that, though there may not be any pleadings or plea with respect to the contention that their case falls under an exception, the Appellate Court is duty-bound to consider for itself whether the case of the petitioners falls under an exception or not before imposing the condition. According to them, in all the impugned orders, without advertng to the fact of whether the case falls under an exception or not, the Appellate Court proceeded as if it were an absolute rule, without exercising discretion so as to verify whether the case of the petitioners falls under an exception.*
- 4. Therefore, limited stay is granted to not take any coercive action against the petitioners in pursuance of non-compliance with the condition of deposit till 01.07.2026.*
- 5. Issue notice to the private respondent, returnable by 01.07.2026.*
- 6. Learned counsel for the petitioners are permitted to take out 'dasti' notice for effective service upon the private respondent.*
- 7. It is made clear that, on the next date, all the parties shall get ready for disposal, and whoever seeks adjournment, it is made clear that there will not be any further extension of stay.*

8. *List the matter on 01.07.2026."*

In view of the same, this Court is inclined to interfere in the matter. The learned trial Court has already passed a conditional order of staying the conviction order as well as of fine conditionally.

Accordingly, the condition so imposed of deposition of the 20% amount in the peculiar facts and circumstances of the present case is waived the petitioner is ordered to be released on bail and he shall furnish the bail bonds to the satisfaction of the learned Appellate Court as ordered by the learned Appellate Court vide order dated 02.06.2026.

List the matter along with S.B. Criminal Misc. Petition No.4161/2026 on the next date.

(BALJINDER SINGH SANDHU),VJ