

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

S.B. Criminal Misc(Pet.) No. 5358/2025

Kumar Bhai P. Shah S/o Panchalal Shah, Aged About 65 Years,
67, Hem Building, N.S. Road No.8, JGPD, Ville Parle, Mumbai
(Maharashtra).

-----Petitioner

Versus

1. Suday Minerals Grinders Pvt. Ltd., Through Its Director Sunil S/o Dayal Singh, R/o F-27, Road No.4, Madari Industrial Area, Udaipur (Rajasthan).
2. Euro Ceramics Ltd., Through Liquidator Premraj Ramratan Laddha, Address Euro House, Chincholi Bunder Road, Behind Inorbit Mall, Malad (West), Mumbai Maharashtra Presently Residing At 304, Abhijit 3, Mithakali, Before Pantaloons, Law Garden Road, Ellis Bridge, Ahmedabad, Gujarat
3. Nansi Bhai, (M.D.) Euro Ceramics Ltd, Address Euro House, Chincholi Bunder Road, Behind Inorbit Mall, Malad (West), Mumbai (Maharashtra).

-----Respondents

For Petitioner(s)	:	Mr. Avin Chhangani.
For Respondent(s)	:	Mr. Narendra Gehlot, PP with Mr. Omprakash Choudhary.

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

17/07/2025

Learned counsel for the petitioner submitted that the disputed cheques were issued by the petitioner in the capacity of being the Director of Euro Ceramics Ltd., in favour of respondent No.1. Learned counsel submitted that the learned trial court, in the impugned judgment dated 31.01.2025, failed to appreciate that the petitioner, who issued the disputed cheques in the

capacity of being a Director of the accused Company, could not have been convicted without recording a finding with regard to conviction of the Company- Euro Ceramics Ltd.

Learned counsel further submitted that the petitioner has challenged the order dated 31.01.2025 by preferring an appeal before the Court of Additional Sessions Judge, Woman Atrocities Cases, Udaipur. The appellate court, vide order dated 10.03.2025, has suspended the sentence awarded to the petitioner with the condition of depositing 20% of the compensation amount. Learned counsel submitted that in the present case, the condition of depositing 20% of the compensation amount imposed by the learned appellate court virtually amounts to taking away the right of appeal of the petitioner and thus, the said condition deserves to be set aside.

The matter requires consideration.

Issue notice to the respondent No.1 only, returnable in six weeks.

In the meanwhile and till next date of hearing, the condition of depositing 20% of the compensation amount imposed by the learned Additional Sessions Judge, Woman Atrocities Cases, Udaipur in the order dated 10.03.2025 in CIS No.51/2025 (Criminal Appeal) as a condition precedent for hearing the appeal, shall remain stayed.

(KULDEEP MATHUR),J