

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

S.B. Criminal Miscellaneous (Petition) No. 5092/2026

CNR: RJHC010622022026

URN: CRLMP / 9167U / 2026

Nilesh Joshi S/o Shri Umashankar Joshi, Aged About 40 Years, B/
c Brahman, R/o In Front Of Tehsil Office, Mohan Colony,
Banswara Raj.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Shri Suresh Chandra Jaiswal S/o Shri Shri Sundar Lal
Jaiswal, R/o Tejpur, Tehsil District Banswara Raj.

-----Respondents

For Petitioner(s) : Mr. Pankaj Mehta

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

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

06/07/2026

Learned counsel for the petitioner has challenged the order dated 01.06.2026 passed by learned Additional Session Judge, Banswara in Criminal Appeal No.87/2026 for offence whereby while suspending the sentence of punishment under Section 138 N.I. Act the petitioner was directed to deposit 20% of the fine amount.

Learned counsel for the petitioner submits that the petitioner's cheques have been misused by Man Singh, to whom the same had been handed over. It is further submitted that the petitioner had already settled the accounts with the said Man Singh. An FIR in this regard has already been lodged, and a

protest petition is pending consideration. However, the aforesaid facts have not been taken into consideration.

It is further submitted that, in these circumstances, the present case falls within the ambit of exceptional circumstances and petitioner has a strong case of appeal warranting the grant of appropriate relief.

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 required consideration.

Issue notice.

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

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

In view of the same, the order dated 01.06.2026 passed by learned Additional Sessions Judge, Banswara in Criminal Appeal No.87/2026 shall remain stayed to the extent of ordering the petitioner to deposit 20% of the fine as a condition process of suspension of sentence.



[CRLMP-5092/2026]

In the meanwhile, learned trial Court is free to proceed with the matter.

(BALJINDER SINGH SANDHU),J

187/Mayank Chouhan/699