

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

S.B. Criminal Miscellaneous (Petition) No. 5323/2026

CNR: RJHC010623522026

URN: CRLMP / 9539U / 2026

Rajesh Bhavnani S/o Goverdhan Das Bhavnani, Aged About 54
Years, R/o House No 3-V-20, Hiranmagri, Sector No.5, Prabhat
Nagar, District Udaipur

-----Petitioner

Versus

Gurjari Lal Saraswat S/o Late Shri Laxmi Lal, R/o 368, Teachers
Colony, Ambanata Scheme, District Udaipur

-----Respondent

For Petitioner(s) : Mr. Bajrang Singh

For Respondent(s) : Mr. Hanuman Prajapati, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

09/07/2026

Counsel for the petitioner has challenged order dated 16.05.2026, whereby the learned appellate court while suspending the sentence of accused-petitioner for offence under Section 138 N.I. Act has imposed a condition of deposition of 20% of the compensation amount.

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 Vs. 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 16.05.2026 passed by learned Additional Sessions Judge No.03, Udaipur in Criminal Appeal No.241/2026 for offence under Section 138 N.I. Act 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