

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

S.B. Criminal Miscellaneous (Petition) No. 5441/2026

CNR: RJHC010630392026

URN: CRLMP / 9706U / 2026

Suresh Singh S/o Shri Chunnilal, Aged About 48 Years, R/o
Sajanpur Tehsil Nimbahera District Chittorgarh Rajasthan
(Lodged In Central Jail Udaipur)

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Nirbhay Singh S/o Shri Lalchand, R/o Naya Kishanpura
Baadi Through Udaipur Auto And Service Centre
Chotisadri Road Opposite Main Gate Nimbahera District
Chittorgarh Rajasthan

-----Respondents

For Petitioner(s) : Mr. Zafar Khan

For Respondent(s) : Mr. Vikram Singh Rajpurohit, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

13/07/2026

Learned counsel for the petitioner has challenged the order dated 12.06.2026 passed by learned Additional Sessions Judge No.01, Nimbahera, District Chittorgarh in Criminal Appeal No.15/2026 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 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 on 04.08.2026.

In view of the same, the order dated 12.06.2026 passed by learned Additional Sessions Judge No.01, Nimbahera, District Chittorgarh in Criminal Appeal No.15/2026 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.

List this matter on 04.08.2026.

(BALJINDER SINGH SANDHU),J