

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

S.B. Criminal Miscellaneous (Petition) No. 5151/2026

CNR: RJHC010631822026

URN: CRLMP / 9250U / 2026

1. Rajmal S/o Amba Lal, Aged About 70 Years, Resident Of 372 Teej Ka Chowk Udaipur Partner Mateshwari Property And Builders Udaipur Rajasthan
2. Praveen S/o Prabhu Lal Vaishnav, Aged About 58 Years, Resident Of B-205 Hiranmagari Sector No 14 Udaipur Partner Mateshwari Property And Builders Udaipur Rajasthan

----Petitioners

Versus

1. Ashok Kumar S/o Moti Lal, Resident Of N- 9 Maharana Bhupal Chikitsalaya Campus Police Station Hathipole Udaipur
2. The State Of Rajasthan, Through Pp

----Respondents

For Petitioner(s) : Mr. Vasudev Gaur

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

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

13/07/2026

Learned counsel for the petitioner has challenged the order dated 30.05.2026 passed by learned Additional Sessions Judge No.05, Udaipur in Criminal Appeal No.339/2026 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.1, returnable on 04.08.2026.

In view of the same, the order dated 30.05.2026 passed by learned Additional Sessions Judge No.05, Udaipur in Criminal Appeal No.339/2026 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