

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

S.B. Criminal Miscellaneous (Petition) No. 5262/2026

CNR: RJHC010637262026

URN: CRLMP / 9446U / 2026

Abdul Kayum S/o Abdul Majid, Aged About 55 Years, R/o Jubeda
Majid New Sadak Jodhpur Metropolitan

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Pushtikar Laghu Vyaparik Pratishthan Bachat And Sakh
Sahakari Samiti Limited, Jodhpur Office Address 4 F 71
New Power House Road Jodhpur Branch Babanadi Jodhpur
Through Manager Anil Kewaliya

----Respondents

For Petitioner(s) : Mr. M.D. Kalla

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

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

08/07/2026

Learned counsel for the petitioner has challenged the order dated 19.02.2026 passed by learned Additional District and Session Judge No.5, Jodhpur Metropolitan in Criminal Appeal No.90/2026 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 required consideration.

Issue notice.

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

Let notice be issue to respondent No.2, returnable on 04.08.2026.

Learned counsel for the petitioner is directed to file extra-set within a period of one week, failing which, the instant criminal misc. Petition shall automatically stand dismissed without further reference to this Court.

In view of the same, the order dated 19.02.2026 passed by learned Additional District and Session Judge No.5, Jodhpur Metropolitan in Criminal Appeal No.90/2026 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 the matter on 04.08.2026.

(BALJINDER SINGH SANDHU),J