

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

S.B. Criminal Miscellaneous (Petition) No. 5430/2026

CNR: RJHC010639092026

URN: CRLMP / 9689U / 2026

Mohammad Hussain S/o Shri Abdul Aziz Sheikh, Aged About 52
Years, R/o 154, Outside Chandpole, Naganagri, Udaipur

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Salauddin Hussain S/o Shri Sabir Hussain, 92,
Khairadiwada, Udaipur

----Respondents

For Petitioner(s) : Mr. Ojas Shakdaipeeya

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 26.02.2026 passed by learned Additional Sessions Judge No.04, Udaipur in Criminal Appeal No.125/2026 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 26.02.2026 passed by learned Additional Sessions Judge No.04, Udaipur in Criminal Appeal No.125/2026 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