

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

S.B. Criminal Miscellaneous (Petition) No. 5499/2026

CNR: RJHC010642732026

URN: CRLMP / 9802U / 2026

Manish Prasad S/o Premchand, Aged About 46 Years, R/o Plot No. 12, Village Bhakrasani, District Jodhpur Raj.

----Petitioner

Versus

1. State Of Rajasthan, Through P.p.
2. Mangilal S/o Laaduram, R/o Indra Colony, Sanchoe Raj. Presently At House No. 04, Shervilas Colony, Tarabati Gali, Airforce, District Jodhpur, Raj

----Respondents

For Petitioner(s) : Mr. Ambalal

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

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

14/07/2026

Learned counsel for the petitioner has challenged the order dated 23.02.2026 passed by learned Additional District and Sessions Judge No.5, Jodhpur Metro, in criminal appeal no.101/2026, whereby while suspending the sentence under Section 430 of BNSS, the learned appellate court ordered to deposit 20% of the compensation amount to trial court for hearing of the appeal.

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 to the sole respondent, returnable within three weeks.

List this case on 04.08.2026.

In view of the same, the order dated 23.02.2026 passed by learned Additional District and Sessions Judge No.5, Jodhpur Metro, in criminal appeal no.101/2026, 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.

(BALJINDER SINGH SANDHU),J