

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

S.B. Criminal Miscellaneous (Petition) No. 5646/2026

CNR: RJHC010662542026

URN: CRLMP / 10046U / 2026

Mahendra Gadiya S/o Kapoorchandji, Aged About 56 Years,
Resident Of 52, Gharwala Jaw, Pali, Tehsil Pali, District Pali,
Rajasthan At Present Residing At E-25, Bhavna Tenament, Part-
1, Kasiba Road, Ranip, Ahmedabad City, Gujarat

-----Petitioner

Versus

1. State Of Rajasthan, Through The Public Prosecutor.
2. Babulal Mewada S/o Tarachand, Resident Of 18,
Ghosiwada, Pali, Tehsil Pali, District Pali, Rajasthan.

-----Respondents

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

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

17/07/2026

Learned counsel for the petitioner has challenged the order dated 13.05.2026 passed by learned Additional District and Sessions Judge, Pali, in criminal appeal no.39/2026 (Mahendra Kumar Gadiya Vs. State & Anr.), wherein the learned court put the condition of depositing 20% of the fine amount while allowing the suspension of sentence application of the petitioner, thus, this misc. petition for waiving off the condition.

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 13.05.2026 passed by learned Additional District and Sessions Judge, Pali, in criminal appeal no.39/2026, 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