

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

S.B. Criminal Miscellaneous (Petition) No. 5691/2026

CNR: RJHC010676192026

URN: CRLMP / 10137U / 2026

Natwar Lal S/o Padam Ji, Aged About 52 Years, Resident Of
Bichhiwara Police Station Bichhiwara Tehsil Bichhiwara District
Dungarpur.

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Smt Geeta W/o Ramesh, Aged About 38 Years, Proprietor
Tushar Construct Mada Tehsil Gamdi Ahada District
Dungarpur, Resident Of Mada At Present Brahimsthali
Colony, Near Tushar Vatika, Police Station Kotwali,
Dungarpur District Dungarpur.

----Respondents

For Petitioner(s)	:	Mr. OP Choudhary for Mr. Rakesh Matoria
For Respondent(s)	:	Mr. Vikram Rajpurohit, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

17/07/2026

Learned counsel for the petitioner has challenged the order dated 16.06.2026 passed by learned Additional Sessions Judge, Dungarpur in Criminal Appeal No.46/2026 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, returnable within on 04.08.2026.

In view of the same, the order dated 16.06.2026 passed by learned Additional Sessions Judge, Dungarpur in Criminal Appeal No.46/2026 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