

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

S.B. Criminal Miscellaneous (Petition) No. 7816/2025

CNR: RJHC010833512025

URN: CRLMP / 13723U / 2025

Thavarchand S/o Bharta Nat, Aged About 61 Years, Kanela Post
Chandrawada Tehsil Anandpuri District Banswara

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Ajab Lal S/o Jawari Chand, Anandpuri Tehsil Anandpuri
District Banswara

----Respondents

For Petitioner(s) : Mr. C.R. Choudhary

For Respondent(s) : Mr. Hanuman Prajapati, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

13/07/2026

Learned counsel for the petitioner has challenged the order dated 23.06.2025 passed by learned Sessions Judge, Banswara in Criminal Appeal No.114/2025 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 within three weeks.

In view of the same, the order dated 23.06.2025 passed by learned Sessions Judge, Banswara in Criminal Appeal No.114/2025 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