

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

S.B. Suspension Of Sentence(Revision) No. 356/2025

Man Singh Shekhawat S/o Dev Karn Singh, Aged About 45
Years, R/o Makan No. 5, Haldiram Payav, Ashok Nagar Road,
Swarn Jayanti Yojna Jaipur Road, Bikaner.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Suresh Kumar S/o Payare Lal, R/o A-4, Het Nagar, Udasar
Fanta, Bikaner.

-----Respondents

For Petitioner(s) : Mr. Sarwar Khan

For Respondent(s) : Mr. Shri Ram Choudhary, AGA

HON'BLE MR. JUSTICE FARJAND ALI

Order

29/04/2026

1. The instant application for suspension of sentence has been preferred on behalf of the applicant-petitioner against the judgment dated 12.06.2025 passed by the learned Additional Sessions Judge No.7, Bikaner in Criminal Appeal No. 09/2023, whereby the appeal filed by the petitioner was dismissed and the judgment of conviction and order of sentence dated 21.01.2023 passed by the learned Special Judicial Magistrate (N.I. Act Cases) No.2, Bikaner in Complaint Case No. 435/2019 was affirmed, whereby the petitioner was convicted for the offence under Section 138 of the N.I. Act and sentenced to undergo one year's simple imprisonment along with fine of Rs. 2,40,000/- with default stipulation.

2. Learned counsel for the petitioner submits that the courts below have erred in appreciation of evidence and that the findings recorded suffer from legal infirmities. It is contended that the petitioner has a strong arguable case in the revision. It is further submitted that the petitioner is in custody and the sentence awarded is of short duration. It is also submitted that the dispute arises out of a financial transaction having a predominantly compensatory character. Learned counsel further submits that the petitioner is willing to deposit 10% of the cheque amount before the trial court. It is lastly submitted that the hearing of the revision petition is likely to take considerable time.

3. Per contra, learned Public Prosecutor has opposed the application.

4. Heard learned counsel for the parties and perused the material available on record.

5. Having regard to the submissions made, the nature of offence under Section 138 of the N.I. Act which is primarily compensatory in character, the sentence awarded being of short duration, the fact that the petitioner is in custody, and further considering the willingness expressed by the petitioner to deposit 10% of the cheque amount before the trial court, and that the hearing of the revision petition is not likely to take place in the near future, this Court is of the opinion that it is a fit case for suspension of sentence. However, without expressing any opinion on the merits of the case so as to avoid prejudice at the stage of final adjudication, the application deserves to be allowed.

6. Accordingly, the application for suspension of sentence is allowed. It is ordered that the sentence awarded to the petitioner-applicant by the learned trial court and as affirmed by the learned appellate court, shall remain suspended till final disposal of the revision petition. The petitioner shall be released on bail, provided he furnishes a personal bond in the sum of Rs. 50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the learned trial court for his appearance before this Court as and when directed, subject to the following conditions:-

- (i) That the petitioner shall be released only upon depositing 10% of the cheque amount before the learned trial court. The amount so deposited shall be disbursed to the complainant.
- (ii) That the petitioner shall appear before the trial court in the month of January of every year till the revision petition is decided.
- (iii) That in case of change of residence, the petitioner shall intimate the changed address in writing to the trial court as well as to his counsel before this Court.
- (iv) That the sureties shall also inform the trial court in writing about any change in their addresses.

(FARJAND ALI),J