



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous (Petition) No. 1665/2026

Narsilal S/o Shri Madanlal, Aged About 49 Years, R/o Udadas Ki Dhani, Radhakrishanpura Sikar, Tehsil And District Sikar (Raj).

-----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. Dharmendra Kumar S/o Shri Ramlal Saini, R/o Near Soni Dharmshala Polo Ground Sikar, Tehsil And District Sikar, Rajasthan.

-----Respondents

For Petitioner(s)	:	Mr. Khushwant Morwal
For Respondent(s)	:	Mr. M.S. Shekhawat, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

19/03/2026

1. By way of filing the present Criminal Misc. Petition, a challenge has been made to the order dated 05.02.2026 passed by the learned Additional District and Session Judge No.2, Sikar in Criminal Appeal No.28/2026 whereby a condition to deposit 20% of the compensation amount was imposed upon the petitioner while suspending his execution of sentence by the Appellate Court.
2. Briefly stated, the facts of the present case are that after getting convicted for the offence punishable under Section 138 of the Negotiable Instrument Act, the petitioner moved an appeal along with an application under Section 430(1) of BNSS, before the learned Appellate Court. While allowing the application under Section 430(1) of BNSS, the learned Appellate Court vide order dated 05.02.2026 imposed a condition upon the petitioner to



deposit 20% of the compensation amount awarded by the trial Court.

3. Learned counsel for the petitioner submitted that the petitioner is a poor person and he does not have sufficient source of income to even sustain himself. Learned counsel, thus, prayed that since the petitioner is facing financial crisis and is unable to satisfy the said condition of depositing 20% of the compensation amount, the said condition be relaxed.

4. Heard learned counsel for the parties at bar. Perused the material as made available to this Court.

5. It is settled law that the imposition of condition for deposition of 20% of the compensation amount is discretionary and thus, keeping in view the arguments of learned counsel for the petitioner that the petitioner is facing financial hardship and is not in position to deposit 20% of the compensation amount awarded by the trial Court, this Court deems it appropriate to modify the aforementioned condition imposed in the order dated 05.02.2026.

6. Accordingly, the instant Criminal Misc. Petition is partly allowed. The condition of deposition of 20% of the compensation amount imposed upon the petitioner vide order dated 05.02.2026 is modified. Now, the petitioner would deposit only 10% of the cheque amount instead of 20% of the compensation amount as awarded by the learned trial Court within a period of one month from the date of this order. The petitioner, upon fulfilling the condition of deposition of 10% of the cheque amount within stipulated time shall be entitled to be released on bail. It is



however made clear that the other conditions imposed in the order dated 05.02.2026 shall remain intact.

7. All pending application(s), if any, stands disposed of.

(ANIL KUMAR UPMAN),J