

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No.7794/2025

Indrapal Jangid S/o Prabhudayal Jangid

-----Petitioner

Versus

State Of Rajasthan & Another

-----Respondents

For Petitioner(s)	:	Mr. Kawal Singh Loha
For Respondent(s)	:	Mr. Vivek Choudhary, PP

JUSTICE ANOOP KUMAR DHAND

Order

03/12/2025

1. Learned counsel for the petitioner submits that the petitioner was held guilty for the offence under Section 138 of the Negotiable Instruments Act, 1881 (for short "the Act of 1881") by the Court of Special Judicial Magistrate (N.I. Act Cases) No.1, Alwar vide judgment dated 05.08.2022. Against the aforesaid judgment, an appeal was preferred by the petitioner, however, the same was also rejected vide judgment dated 17.07.2023 by the Court of Additional Sessions Judge No.4, Alwar. Learned counsel submits that aggrieved by both the aforesaid judgments, the petitioner submitted S.B. Criminal Revision Petition No.1240/2023 along-with S.B. Criminal Application (SOS) No.339/2023 before this Court, wherein the suspension application submitted by the petitioner was allowed vide order dated 04.04.2024 subject to furnishing personal and surety bonds along-with demand draft of 40% of the cheque amount. Learned counsel submits that the sentence part was suspended by this Court vide the aforesaid order, till final disposal of the revision petition.

2. Learned counsel for the petitioner further submits that pursuant to the aforesaid order, the personal and surety bonds were furnished, but 40% of the cheque amount could not be deposited as the petitioner was not in a position to arrange the same. Hence, he has already suffered the sentence of around one year and one month. Learned counsel submits that now the complainant has submitted an application seeking execution of the judgment dated 05.08.2022 and the said application has been entertained by the court below and now orders have been passed vide impugned order dated 11.08.2025 to recover the fine amount of Rs.45 lacs from the salary account of the petitioner. Learned counsel submits that while passing the aforesaid order, learned Court below was of the view that no appeal against the judgment dated 05.08.2022 is pending before any court of law while S.B. Criminal Revision Petition No.1240/2023 is still lying pending against the aforesaid judgment for its adjudication on its merits. Hence, under these circumstances, the order dated 11.08.2025 and the subsequent proceedings arising out of the same are not tenable and sustainable in the eyes of law.

3. Heard. The matter requires consideration.

4. Issue notice to the respondent No.2, returnable within a period of three weeks.

5. List this case on 05.01.2026.

6. Till next date, the operation and execution of the impugned order dated 11.08.2025 passed by the court below shall remain stayed.

(ANOOP KUMAR DHAND),J