

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p><u>CRLR No. 338 of 2026</u>  <b><u>Hon'ble Rakesh Thapliyal, J.</u></b></p> <ol style="list-style-type: none"> <li>1. Mr. Lokendra Dobhal, learned counsel for the revisionist.</li> <li>2. Mr. Tumul Nainwal, learned A.G.A. for the State.</li> <li>3. The instant revision is preferred by Manoj Bahadur alias Michael Singh the Director of Eco Adventreks and Welfare Society against the order passed by the Incharge Session Judge, Dehradun, in Criminal Appeal No. 18 of 2026, whereby, the sentence as awarded by the Trial Court with regard to Section 138 of N.I. Act was suspended subject to this condition that the appellant, who is the revisionist herein, shall deposit 20 of the amount of fine within 60 days.</li> <li>4. He submits that the learned Session Judge while passing the order dated 03.02.2026 committed illegality while imposing such condition for depositing 20 percent of the amount since by the same order the sentence is also suspended. He submits that when an accused applies for suspension of sentence and the same is granted then there was no any occasion to stipulate any such condition.</li> <li>5. In support of his argument he placed reliance of the judgment of the Hon'ble Apex Court in the case of <b>Jamboo Bhandari vs. M.P. State Industrial Development Corporation Ltd. &amp; Ors</b> 2023 LiveLaw (SC) 776 decided on 04.09.2023 and by placing reliance to this judgment Mr. Lokendra Dobhal submits that depositing of 20 percent of the amount of fine is not absolute rule and it is completely discretionary and not mandatory and furthermore while suspending the sentence no condition should be stipulated by the learned Session Judge for depositing of 20 percent of the amount of fine.</li> <li>6. I found force on submission of learned counsel for the revisionist.</li> <li>7. Learned State counsel accepts notice for respondent no. 1.</li> <li>8. Issue notice to respondent no. 2.</li> </ol>

			<p>9. Steps be taken within three days.</p> <p>10. List this matter on 11.06.2026.</p> <p>11. In the meantime, the effect and operation of the order dated 03.02.2026 passed by the learned Session Judge, Dehradun Incharge, passed in Criminal Appeal No. 18 of 2026 is stayed only to the extent of the condition for depositing 20 percent of the amount of fine, however, the Appellate Court may proceed with the appeal.</p> <p style="text-align: right;"><b>(Rakesh Thapliyal, J.)</b> 07.05.2026</p> <p>PR</p>
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