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

S.B. Criminal Misc(Pet.) No. 1214/2025

Nilesh Pareek S/o Shri Brijmohan Pareek, Aged About 44 Years, R/o House No.12, Ganesh Ghati, Udaipur.

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Smt. Shilpi Dadhich W/o Shri Gajendra Dadhich, R/o Bhatiyani Chouhata, Opposite Asind Ke Haveli, District Udaipur.

----Respondents

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| For Petitioner(s) | : | Mr. Bharat Shrimali |
| For Respondent(s) | : | Mr. Vikram Rajpurohit, DyGA |

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**HON'BLE MR. JUSTICE FARJAND ALI**

**Order**

**07/02/2025**

1. The instant criminal miscellaneous petition has been preferred with a limited prayer to extend the time period provided by the learned Additional Sessions Judge No.2, Udaipur for depositing the 20% of the cheque amount as per the Section 148 of the N.I. Act.

2. The petitioner was convicted for offence under Section 138 of the N.I. Act vide judgment dated 31.08.2024 passed by the learned Special Judicial Magistrate (NI Act Cases) No.2, Udaipur. Being aggrieved of the said judgment, the petitioner preferred an appeal alongwith an application seeking suspension of sentence. While allowing the application seeking suspension of sentence vide order dated 27.09.2024, the learned appellate court imposed a condition of depositing 20% of the cheque amount with the trial

court within a period of 15 days. Upon an application filed by the petitioner, the said period was further extended upto 23.12.2024. Since the petitioner could not deposit the amount by that date, he preferred another application seeking extension of time for depositing the amount, which was dismissed vide order dated 18.01.2025. Hence, the instant criminal miscellaneous petition has been preferred.

3. Heard learned counsel for the petitioner, learned Public Prosecutor and perused the material placed on the record.

4. Learned counsel for the petitioner submits that though the petitioner had all intentions to deposit the requisite amount within the stipulated time, but genuine financial difficulty prevented him from doing so and now the possibility of him being taken into custody for serving the sentence is looming large even though he is ready and willing the deposit 20% of the cheque amount as directed by the appellate court, if the court bestows benevolence to further extend the period for depositing the amount.

5. Being satisfied with the submissions advanced by the learned counsel for the petitioner, this court is inclined to accept the instant criminal miscellaneous petition. Accordingly, the same is allowed. The petitioner is granted period upto 12.03.2025 for depositing 20% of the cheque amount as directed by the appellate court. If any warrant has been issued against the petitioner for execution of sentence in the present case, the same shall not be executed till 12.03.2025.

**(FARJAND ALI),J**

277-Pramod/-