HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc. Suspension of Sentence Application No.347/2026
IN
S.B. Criminal Revision Petition No. 1294/2026
CNR: RJHC020646062026 | URN: CRLR / 2346U / 2026

Narayanram Son Of Shri Pemaram, Aged About 63 Years, Resident Of Jasrasar, Police Station Laxmangarh, District Sikar (Raj.) (Accused Petitioner Presently Confined In Central jail Bikaner) ----Petitioner

Versus

1. State Of Rajasthan, Through P.P.
2. Kamla Wife Of Mohanlal, Resident Of Village Tarpura, Tehsil And District Sikar (Raj.) ----Respondents

---

For Petitioner(s)	:	Mr. Devanshu Sharma
For Respondent(s)	:	Mr. Mahendra Singh, P.P. Mr. Ajay Khedar for Mr. Satish Kumar Khandal

---

HON'BLE MR. JUSTICE PRAVEER BHATNAGAR
Order

27/10/2026

1. The present application for suspension of sentence has been preferred on behalf of the applicant – Narayanram S/o Shri Pemaram, under Section 438 of the BNSS, against the order dated 03.07.2025, passed by the learned Additional Sessions Judge No.1, Sikar in Criminal Regular Appeal No.48/2024 affirming the judgment and order dated 20.04.2024, passed by learned Judicial Magistrate, Sikar, in Criminal Case No.742/2015 (CIS No.2368/2015), whereby the learned Trial Court sentenced the applicant as under:

> **Under Section 138 NI Act**: One year simple imprisonment and directed to pay compensation under Section 357(1) Cr.P.C. for fine of Rs.3,62,000/- in default whereof, one month simple imprisonment.

Digitally signed by
DANISH USMANI
Date: 2026.10.29
10:16:50 IST

2. The certificate under Section 311(3) of Rajasthan High Court Rules, 1952 has been placed on record to the fact that the applicant was on bail during the trial and at present he is in judicial custody at Central Jail Bikaner.

3. Learned counsel for the applicant submits that the learned Trial Court as well as the learned Appellate Court have passed the impugned judgments without properly and meticulously appreciating the evidence available on record. It is further submitted that the applicant has already deposited 20% of the compensation amount and is ready and willing to deposit further amount of 30%, thereby making the total deposit 50% of the compensation amount of Rs. 3,62,000/-. It is also contended that the hearing of revision petition would take considerable time for its adjudication and therefore, the sentence awarded to the applicant may be suspended and he may be released on bail.

4. Per contra, learned Public Prosecutor vehemently opposes the application for suspension of sentence.

5. Heard and perused the material available on record.

6. I have considered the submissions made by learned counsel for the parties and carefully perused the judgments passed by the learned Trial Court and the learned Appellate Court as well as the material available on record.

7. The learned Trial Court convicted and sentenced the applicant to undergo the aforementioned sentence. The said judgment was challenged by way of appeal and the learned

Appellate Court affirmed the judgment of conviction and sentence passed by the learned Trial Court.

8. So far as the question of deposition of compensation amount as a condition for suspension of sentence is concerned, the Hon'ble Supreme Court in the case of **Satyendra Kumar Mehra @ Satyendra Kumar Mehra vs. State of Jharkhand**, **2018 (2) Crimes 302 (SC)**; **Steni Felix Pinto vs. Jangid Builders Pvt. Ltd. & Anr., AIR 2001 SC 659** and **Dilip S. Dhanukar vs. Kotak Mahindra Co. Ltd., (2007) 6 SCC 528**, as also a Coordinate Bench of this Court in the case of **Suresh Chand Sharma Vs. State of Rajasthan, S.B. Criminal Misc. Petition No.1137/2012**, has held that while suspending the sentence of imprisonment, the Court may impose reasonable conditions and may direct deposit of a reasonable portion of the amount of fine/compensation imposed.

9. In view of the aforesaid judicial pronouncements and without expressing any opinion on the merits of the case, it appears appropriate to accept the present application for suspension of sentence, subject to the condition that, in addition to 20% of the total compensation amount, if already deposited by the applicant, he shall deposit a further 30% of the total compensation amount by way of Demand Draft before the learned Trial Court, thereby making the total deposit 50% of the compensation amount.

10. Consequently, the application for suspension of sentence preferred on behalf of the applicant is allowed. It is ordered that, in case the applicant furnishes a personal bond of Rs.50,000/- and

two sureties of Rs.25,000/- each to the satisfaction of the learned Trial Court, undertaking to remain present before this Court on 30.11.2026 and on all subsequent dates as and when directed, he shall be released on bail forthwith, subject to the condition that, in addition to the 20% of the compensation amount, if already deposited, a further 30% of the compensation amount shall be deposited by way of Demand Draft, thereby making the total deposit 50% of the compensation amount of Rs. 3,62,000/- before the learned Trial Court, he shall be released on bail forthwith.

11. The execution of the sentence awarded under the impugned judgments passed by the learned Trial Court and the learned Appellate Court shall remain suspended till final adjudication of the present revision petition.

12. Upon deposition of the aforesaid amount by way of Demand Draft, the complainant may move an appropriate application before the learned Trial Court for release of the amount. The learned Trial Court shall release the said amount to the complainant upon furnishing an undertaking to the fact that, in the event the applicant succeeds in the present revision petition, the complainant shall be liable and ready to refund the amount received pursuant to this order, along with interest at the rate of 6% per annum, within a period of one month from the date of decision of the revision petition. In default thereof, the complainant shall be liable for violation of the order passed by this Court.

(PRAVEER BHATNAGAR),J

DA-83-SOSA/DANISH USMANI