HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Misc(Pet.) No. 3957/2024

Satyanarayan S/o Shri Debi Lal, Aged About 51 Years, R/o Keshuvilas (Udaipuriya), Tehsil And Dist. Bijoliya, Dist. Bhilwara.

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Goverdhan Vaishnav S/o Gokul Das Vaishnav, R/o Triveni Choraha, Police Station Bigod, Dist. Bhilwara.

----Respondents

For Petitioner(s)	:	Mr. Bhushan Singh Charan
For Respondent(s)	:	Mr. A.R. Choudhary, PP Mr. D.S. Udawat

HON'BLE MS. JUSTICE REKHA BORANA (VACATION JUDGE)

Order

28/06/2024

1. The present criminal miscellaneous petition has been preferred against the order dated 21.02.2024 passed by Learned Additional Sessions Judge No.3, Bhilawara Camp Mandalgarh in Criminal Appeal No.39/2024 whereby the learned Appellate Court while suspending the sentence awarded to the accused, directed him to file an undertaking to deposit 20% of the fine amount within a period of 60 days.

2. Learned counsel for the petitioner while relying upon the Hon'ble Apex Court judgment in ***Jamboo Bhandari Vs. M.P. State Industrial Development Corporation Ltd. & Ors.; Criminal Appeal No.2741/2023*** (decided on 04.09.2023), submitted that although the Hon'ble Apex Court has decided that deposition of 20% of the fine amount is not a mandate, he has preferred the present petition only for extension of the time for

deposition of the amount as directed by the appellate Court. He submits that sufficient time be granted to the accused petitioner for deposition of the said amount.

3. In support of his submission, learned counsel relied upon the order of the co-ordinate Bench of this Court passed in ***S.B. Criminal Misc(Pet.) No.1327/2023; Mahesh Mutha Vs. State of Rajasthan & Anr.*** (decided on 21.03.2023) and interim order dated 24.01.2024 passed in ***S.B Criminal Misc(Pet.) No.507/2024; Bhagwan Das Vs. Indra Devi***.

4. Learned P.P. and learned counsel for the respondent no.2 opposed the submissions made on behalf of the petitioner.

5. Heard learned counsel for the parties and perused the material available on record.

6. A perusal of the record makes it clear that vide order dated 21.02.2024 while suspending the sentence of the accused, the appellate Court granted 60 days time to him to deposit 20% of the fine amount. However, the same was not deposited within the said time and an application for extension of the said period was preferred by the accused. Vide order dated 24.04.2024, the said application as preferred by the accused was allowed and further time of 20 days was granted.

Evidently, 20 days' time granted vide order dated 24.04.2024 expired way back. It is also an admitted fact that the amount has not been deposited till date. As held by the Hon'ble Apex Court in ***Jamboo Bhandari's*** case (supra), the condition to deposit 20% of the fine/compensation is a Rule and it is only in the exceptional circumstances that the Court would be justified in not imposing the said condition. However, if the Court finds the

case to be an exceptional one, it is under an obligation to record the reasons for the same.

7. What is clear on record in the present matter is that vide order dated 21.02.2024, 60 days' time was granted to the accused and vide order dated 24.04.2024, further time of 20 days was granted. Till date, the amount has not been deposited and no exceptional circumstances have been shown as to why the condition as imposed by the appellate Court ought not to have been imposed. This Court does not find any plausible ground to extend the time for deposition of the amount, any further.

8. So far as the orders of the co-ordinate Benches as relied upon by the counsel for the petitioner are concerned, the same would be of no help to the petitioner as neither of them lays down that time is mandatorily to be extended whenever an application for the same is made by the accused. Vide both the orders, the condition to deposit 20% of the fine amount has been modified to deposit 20% of the cheque amount. No such prayer has been made by counsel for the petitioner before this Court.

9. In view of the above analysis, the present criminal miscellaneous petition is **dismissed**.

10. Stay petition and all pending applications, if any, stand **disposed of**.

(REKHA BORANA),VJ

53-SPhophaliya/Devanshi/-