ITEM NO.37 COURT NO.13 SECTION II-D

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 7001/2026

[Arising out of impugned judgment and order dated 13-08-2024 in SBCRRP No. 1097/2019 passed by the High Court of Judicature for Rajasthan at Jaipur]

RAJIV SONI Petitioner(s)

VERSUS

KRISHAN KUMAR Respondent(s)

WITH

Diary No(s). 17208/2026 (II-D)
IA No. 174890/2026 – CLARIFICATION/DIRECTION, IA No. 105743/2026 – C/DELAY IN FILING, IA No. 105746/2026 - EXEMPTION FROM FILING C/C OF I/JUDGMENT, IA No. 105747/2026 - EXEMPTION FROM FILING O.T., IA No. 105745/2026 - EXEMPTION FROM SURRENDERING WITHIN TIME

Date : 07-09-2026 These matters were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE K.V. VISWANATHAN
HON'BLE MR. JUSTICE ARUN PALLI

For Petitioner(s) Ms. Vandana Sehgal, AOR
Mr. Mohit Yadav, Adv.
Mr. Vikas Soni, Adv.

For Respondent(s) Mr. S. K. Verma, AOR
Mr. Puran Mal Saini, Adv.
Mr. Sahil Goyal, Adv.
Mr. Abhishek Sharma, Adv.
Mr. Vivek Kumar Srivastava, Adv.
Mr. Harsh Gupta, Adv.
Mr. Sunil Kumar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Delay condoned.

2. The present special leave petitions call in question the

correctness of the order dated 13.08.2024 and 08.04.2025 passed by the High Court of Judicature for Rajasthan at Jaipur in S.B. Criminal Revision Petition No.1097 of 2019 whereby the learned Single Judge of the High Court, while recalling the order dated 18.02.2020 passed by the High Court, directed the petitioner-accused to surrender before the Trial Court or prison authorities, District Jhunjhunu, Rajasthan, to serve the sentence as passed by the learned Judicial Magistrate, Chidawa, in Criminal Case No. 85/2016.

BRIEF FACTS:-

3. Krishna Kumar/Krishan Kumar-the Complainant-Respondent herein filed a complaint against the petitioner-accused in the Court of Judicial Magistrate, Chidawa, District Jhunjhunu, Rajasthan, under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the NI Act')stating that the complainant and the petitioner-accused were well acquainted with each other and for business purposes, the petitioner-accused received Rs. 22,50,000/- (Rupees Twenty Two Lakhs, Fifty Thousand) in cash from the Complainant on 10.02.2014. Reciprocally, the petitioner-accused issued a Cheque bearing No. 001034 dated 10.02.2014 drawn on Axis Bank Ltd., Pilani Branch. On 03.05.2014, when the cheque was presented for payment by the complainant, the same was returned by the Bank on 05.05.2014 stating 'insufficient funds'. On being informed of such dishonour of cheque, the petitioner-accused assured the complainant to present the cheque again to the Bank. On 07.05.2014, the complainant presented the said cheque again

but the cheque got dishnoured due to 'insufficient funds'. The complainant again deposited the said cheque on 09.05.2014 with the Bank but the cheque met the same fate.

4. Aggrieved, the complainant sent a legal notice to petitioner-accused on 19.05.2014 but the petitioner-accused did not return the said amount to the complainant but the same was returned with the remark "the addressee was not found at home and the family members refused to receive it".

5. In such circumstances, the complainant was constrained to file a complaint under Section 138 of the NI Act before the Court of Judicial Magistrate, Chidawa, which was registered as Criminal Case No. 85/2016.

6. The Court of Judicial Magistrate, Chidawa, vide order dated 14.06.2017, found the petitioner-accused guilty for the offence under Section 138 of the NI Act and sentenced him to undergo simple imprisonment for 2 (two) years. The petitioner-accused was also directed to pay an amount of Rs. 30,00,000/- (Rupees Thirty Lakhs), as compensation under Section 357(3) of the Code of Criminal Procedure, 1973, (for short 'the Code').

7. The petitioner-accused challenged the said order dated 14.06.2017 before the Additional Sessions Judge, Chidawa, Dist. Jhunjhunu, by filing Criminal Appeal No. 39/2017 which was dismissed on 10.04.2019.

8. The petitioner-accused challenged the order dated 10.04.2019, passed by the Additional Sessions Judge, Chidawa, before the High Court, by filing a S.B. Criminal Revision Petition being No. 1097 of 2019. The High Court, vide order

dated 18.02.2020, directed the petitioner-accused to surrender before the Trial Court and furnish bail bonds accordingly. In compliance of the order dated 18.02.2020, the petitioner-accused surrendered before the Trial Court on 25.02.2020 and furnished bail bonds.

9. The respondent filed an application (IA No. 1/2020) under Section 482 of the Code for recall of the order dated 18.02.2020.

10. After hearing the counsel for the petitioner-accused, the High Court, on 13.08.2024, recalled the order dated 18.02.2020, on noticing that the petitioner-accused was not present in the court on one occasion, has directed the petitioner to surrender and cancelled the bail bonds.

11. Ld. Single Judge of the High Court, vide order dated 08.04.2025, dismissed the revision petition holding that the petitioner has failed to surrender for not complying with the directions, on multiple occasions, and also in violation of Rules 311 and 323 of the Rajasthan High Court Rules and also contrary to Section 389 of the Code.

12. Aggrieved, the petitioner-accused has filed the present special leave petitions challenging the orders of the High Court dated 13.08.2024 and 08.04.2025 in S.B. Criminal Revision Petition No.1097 of 2019.

13. Heard Ms. Vandana Sehgal, learned counsel for the petitioner and Mr. Puran Mal Saini, learned counsel for the respondent.

14. When SLP (Crl.) No(s). 7001/2026 @ Diary No(s).

17233/2026 came up for hearing before this Court on 15.04.2026, the following order was passed:-

> ***"1. Applications for exemption from filing certified copy of the impugned judgment and exemption from filing official translation are allowed.***
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> ***2. Heard Ms. Vandana Sehgal, learned counsel appearing for the petitioner.***
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> ***3. Delay condoned.***
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> ***4. Learned counsel, at the outset, submits that against the order dismissing the Revision Petition also a Special Leave Petition has been filed under Diary No.17208 of 2026.***
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> ***5. Insofar as the present petition is concerned, learned counsel draws attention of the Court to page 79 of the paperbook (pdf 94) wherein pending the Revision Petition, the High Court by order dated 18th February, 2020 permitted the petitioner to surrender before the Trial Court and furnish bail bonds as directed in the order. Learned counsel further draws attention to page 80 (pdf 95) of the paperbook to demonstrate that the bail bonds were duly furnished on 25th February, 2020 and the petitioner was on bail pending the Revision Petition.***
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> ***6. Learned counsel submits that the impugned order by recording that the petitioner was not present in the High Court on one occasion as directed, for which too he had an explanation to offer, the bail bonds have been cancelled and the Revision Petition dismissed by the High Court.***
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> ***7. Issue notice, returnable on 18th May, 2026.***
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> ***8. Dasti service, in addition, is permitted.***
>
> ***9. Till further orders, there shall be stay of operation of the impugned order."***

15. As far as SLP(Crl.)Diary No(s). 17208/2026 is concerned,

that is a challenge (revision petition) to the consequential dismissal of the Criminal Revision No.1097/2019, before the High Court.

16. Having heard learned counsel for the parties and having considered the overall facts and circumstances, we are of the opinion that the impugned orders deserve to be set aside.

17. Accordingly, we direct that the petitioner shall continue to be on bail as ordered on 18.02.2020 by the High Court, pursuant to which bail bonds have also been furnished by the petitioner on 25.02.2020. The bail shall continue on the same terms.

18. We are of the opinion that the criminal revision pending before the High Court being S.B.Criminal Revision Petition No.1097/2019 should be heard on merits.

19. In view what has been stated above, the impugned orders dated 13-08-2024 challenged in SLP (Crl.)No.7001/2026 and dated 08.04.2025 in SLP(Crl.)Diary No(s). 17208/2026, both passed in S.B.Criminal Revision Petition No.1097/2019 respectively, are set aside.

20. The said S.B.Criminal Revision Petition No.1097/2019 is restored to the file of the High Court of Judicature for Rajasthan at Jaipur.

21. Considering the fact that this is a matter of 2019, we request the High Court to make an endevour to hear the said revision petition and dispose of it at an early date.

22. With the above observations, the Special Leave Petitions are disposed of.

23. Pending applications including IA No. 174890/2026 for clarification/direction and IA No. 105745/2026 for exemption from surrendering shall also stand disposed of.

(NIRMALA NEGI)
ASTT. REGISTRAR-cum-PS

(MANOJ KUMAR)
COURT MASTER (NSH)