

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -  
NEGOTIABLE INSTRUMENT ACT) NO. 98 of 2026****With  
CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE) NO.  
1 of 2026  
In R/CRIMINAL REVISION APPLICATION NO. 98 of 2026****HASMUKHBHAI AMARSANBHAI MAKWANA  
Versus  
STATE OF GUJARAT & ANR.**

Appearance:

ADITYA R GUNDECHA(8869) for the Applicant(s) No. 1  
MR. UTKARSH SHARMA, APP for the Respondent(s) No. 1**CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL****Date : 12/01/2026****ORAL ORDER****Order in Criminal Revision Application:**

1. Heard, learned advocate for the applicant.
2. By way of present Criminal Revision Application, the applicant has assailed the concurrent findings of the learned Courts below *i.e.* judgment and order dated 06.01.2026 passed in Criminal Appeal No. 106 of 2024 by the learned 5<sup>th</sup> Additional Sessions Judge, Nadiad, confirming the judgment and order dated 23.01.2024 passed in Criminal Case No. 525 of 2019 by the learned Principal Judge and Judicial Magistrate First Class, Matar, District - Kheda at Nadiad, whereby, the applicant is convicted for the offence under Section 138 of the Negotiable Instruments Act, 1881 (for short "NI

Act”) and sentenced with fine of Rs.33,55,000/- and out of the fine amount Rs.5,000/- is ordered to be remitted to the State and remaining amount Rs.33,50,000/- shall be given to the complainant as compensation being amount of cheque. The trial court has further ordered that in default of payment of fine amount, the applicant shall undergo simple imprisonment for a period of six months.

3. Having heard and considering the averments made in the present application, issue **Rule**, returnable on **6<sup>th</sup> March 2026**. Learned Additional Public Prosecutor waives service of notice of Rule on behalf of the respondent – State.

**Order in Criminal Misc. Application:**

1. Heard the learned advocate for the applicant.
2. The applicant has filed the captioned revision application mainly on the ground that both the Courts below have committed error in not appreciating the evidence as regards the fact that there was no legally enforceable debt on the present applicant and applicant was having an arguable case. Nonetheless, the learned advocate for the applicant, on instructions, has submitted that the applicant is ready and willing to deposit 20% of the cheque amount. Accordingly, it is urged that this application may be allowed and the sentence imposed upon the applicant may be suspended pending the

main revision application and the applicant be enlarged on bail.

3. Having heard and considering the averments made in the present application and that the applicant is ready and willing to deposit 20% of the cheque amount, present application deserves consideration.

4. Accordingly, this application is allowed. Subject to the applicant depositing 20% of the cheque amount within a period of six weeks from the date of his actual release with the trial Court concerned, the sentence imposed upon the applicant herein *vide* judgment and orders impugned in the main revision application is suspended pending revision application. The applicant be released on bail by executing a personal bond of Rs.10,000/- (Rupees Ten Thousand) with one surety of the like amount to the satisfaction of the trial Court concerned, on the conditions that applicant:

- (a) shall not take undue advantage of liberty or misuse liberty;
- (b) shall not leave India without prior permission of this Court;
- (c) shall furnish the present address of his residence with documentary evidence to the Court concerned at the time of execution of the bond;
- (d) shall proceed with the Criminal Revision Application as and when listed and shall not prolong the hearing of the same.

5. Needless to observe that in case of non-deposit of the aforesaid amount, the interim protection of suspending the sentence of imprisonment shall stand automatically withdrawn without reference to this Court.

6. This application stands disposed of accordingly. **Direct service** is permitted, **today**.

NITIN MAKWANA

**(P. M. RAVAL, J)**