

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL REVISION APPLICATION (AGAINST
CONVICTION - NEGOTIABLE INSTRUMENT ACT) NO. 108 of
2026
With
R/CRIMINAL REVISION APPLICATION NO. 109 of 2026
With
R/CRIMINAL REVISION APPLICATION NO. 111 of 2026
With
R/CRIMINAL REVISION APPLICATION NO. 113 of 2026**

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ARCHANA KANAK AMIN

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR BN LIMBACHIA(3454) for the Applicant(s) No. 1

NISHITH K JOSHI(9193) for the Applicant(s) No. 1

ROHAN SHAH, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL

Date : 16/01/2026

ORAL ORDER

1. Heard learned Senior Advocate Mr. Jal S. Unwalla, assisted by learned advocate Mr. B.N. Limbachia for the applicants.

2. By way of present Criminal Revision Applications, the applicants have assailed the concurrent findings of the learned Courts below *i.e.* judgment and orders, as detailed below, whereby, the applicants are convicted for the offence under Section 138 of the Negotiable Instruments Act, 1881 (for short “NI Act”) and sentenced to imprisonment with a direction to pay compensation to the original complainant

therein:

CR.RA No.	108/2026	109/2026	111/2026	113/2026
Criminal Case No.	30156/20	30156/20	30161/2020	30161/2020
J & O Dated	29.02.2024	29.02.2024	29.02.2024	29.02.2024
Passed by	Ld. Addl. Chief Metropolitan, Magistrate, NI Act, Court No.30, Ahmedabad.	Ld. Addl. Chief Metropolitan, Magistrate, NI Act, Court NO.30, Ahmedabad.	Ld. Addl. Chief Metropolita, Magistrate, NI Act, Court No.30, Ahmedabad.	Ld. Addl. Chief Metropolita, Magistrate, NI Act, Court No.30, Ahmedabad.
Criminal Appeal No.	247/2024	247/2024	246/2024	246/2024
J & O Dated	23/12/2025	23/12/2025	23/12/2025	23/12/2025
Passed by	Learned Additional Sesssions Judge, City Sessions Court No. 7, Ahmedabad.	Learned Additional Sesssions Judge, City Sessions Court No. 7, Ahmedabad.	Learned Additional Sesssions Judge, City Sessions Court No. 7, Ahmedabad.	Learned Additional Sesssions Judge, City Sessions Court No. 7, Ahmedabad.

3. Learned Senior advocate for the applicants submits that except for making averments in the complaint, more particularly in Para 2, stating that original – accused Nos.2 and 3 are responsible for day-to-day activities of the company namely accused No.1, no specific averment has been made as to which director was in-charge and responsible for the conduct of business of the company. In the absence of any such averments, no cognizance ought to have been taken by the learned trial Court. However, neither

the learned trial Court nor the First Appellate Court has considered this aspect in its true perspective. Learned Senior advocate for the applicants further submits that Ms. Archana Amin, though a director of Accused No.1- Meghna Petrokem Pri. Ltd., is not a signatory to the cheques under question, coupled with the fact that the mandatory averments as required under Section 141 of the NI Act, 1881 are absent, and hence no vicarious liability can be fastened upon accused No.2.

4. Learned Senior advocate would submit that even if it is assumed that original accused No. 3 -Kanakchandra Amin was responsible for the day-to-day activities of the company and in-charge of the conduct of its business of the company, however in absence of such averments, coupled with the fact that the complainant himself has admitted in his cross-examination with regard to the amount of goods supplied by the accused company to the complainant to the tune of Rs. 40,81,665/-. In such circumstances, the original complainant ought to have deposited the cheque only for the balance amount, which, according to the present applicants would be approximately Rs.70,00,000/-. However, when the cheques were deposited to the tune of Rs.1,10,00,000/- it cannot be said that there was compliance of Section 56 read with Section 15 of the NI Act, 1881. Under these circumstances, he relied upon a judgment in the case of **Dashrathbhai Trikambhai Patel Vs. Hitesh Mahendrabhai**

Patel and Another, reported in **(2023) 1 SCC 578**.

5. This Court has gone through the memo of applications, impugned orders as well as paper - book supplied along with the petitions. This Court has also gone the cross-examination of the original complainant wherein he admitted that the accused company had supplied goods worth Rs. 40,81,665/- to the complainant's company and that the goods were received even prior to the issuance of the notice in the present case and that, no amount is paid with regards to the said goods supplied by the accused company, and it was also agreed upon that after deducting a sum of Rs.40,81,665/-, the balance amount was required to be paid by the accused including the Directors original accused Nos. 2 and 3.

6. Considering the above, issue **Rule**, returnable on **20.03.2026**. Learned Additional Public Prosecutor waives service on behalf of respondent – State.

6.1 Subject to the applicants depositing an amount of Rs.50,00,000/- in 5 equal installments of Rs.10,00,000/- each starting from 31.01.2026 with the trial Court concerned, the sentence imposed upon the applicants herein *vide* judgment and orders impugned in these revision applications is suspended pending present revision applications on the conditions that applicants:

- a) shall execute a personal bond of **Rs.10,000/-**, each with one surety each of the like amount. Bail bonds before the trial Court concerned;
- b) shall not misuse the liberty granted by this Court;
- c) shall furnish the present address of their residences with documentary evidence to the Court concerned at the time of execution of the bond;
- d) shall not leave India without prior permission of this Court;
- e) shall proceed with the Criminal Revision Applications as and when listed and shall not prolong the hearing of the same.

8. 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.

9. **Direct Service** is permitted.

MOHD SAIF ULLAH

(P. M. RAVAL, J)