

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 164 of 2026**

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HITENDRASINH MANHARSINH VAGHELA
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR. ARSH H. JOSHI(16389) for the Applicant(s) No. 1
ROHAN RAVAL APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL**Date : 22/01/2026****ORAL ORDER**

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 10.12.2025 passed in Criminal Appeal No. 157 of 2024 by the learned 3rd Additional Sessions Court, Sabarkantha at Idar confirming the order dated 10.09.2024 passed in Criminal Case No. 527/2024 by the learned Additional Chief Judicial Magistrate, Khedbrahma – Sabarkantha whereby, the applicant is convicted for the offence under Section 138 of the Negotiable Instruments Act, 1881 (for short “NI Act”) and sentenced to imprisonment.
3. This revision application is filed mainly on the ground that both the Courts below have committed error in not

appreciating the evidence as regards that the fact that there was no legally enforceable debt on the present applicant and applicant was having an arguable case. Even, keeping aside the aforesaid submissions, learned advocate for the applicant, under the instructions from the applicant, has stated that applicant is ready and willing to deposit 50% of the cheque amount with the trial Court concerned and accordingly, it is urged that pending present revision application, sentence imposed upon the applicant may be suspended.

4. Considering the above, issue *Rule*, returnable on 30.03.2026. Learned Additional Public Prosecutor waives service on behalf of respondent – State.

4.1 Subject to the applicant depositing 50% of the cheque amount within a period of six weeks from today with the trial Court concerned, the sentence imposed upon the applicant herein *vide* judgment and orders impugned in this revision application is suspended pending present revision application on the conditions that applicant:

- a) shall execute a personal bond of Rs.10,000/- with one surety of the like amount. Bail bond before the trial Court concerned;
- b) shall not misuse the liberty granted by 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 not leave India without prior permission of this Court;

e) 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. Direct Service is permitted.

(P. M. RAVAL, J)

MMP