

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 117 of 2025**

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RAMBHAI THEBABHAI MODHVADIYA

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR MONAL S CHAGLANI(10240) for the Applicant(s) No. 1

PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE L. S. PIRZADA**Date : 24/06/2025****ORAL ORDER**

1. Learned advocate for the applicant Mr. Monal S. Chaglani submitted that during the trial the settlement was arrived between the original complainant and the respondent pursuant to the settlement. Learned advocate for the applicant wants to draft amendment. The present applicant accused has deposited Rs.2,55,000 and Rs.72,000/- as per the order of the learned Sessions Court to the original complainant. Further submitted that the present applicant accused is ready and willing to deposit Rs.1,03,000/- before the concerned learned trial Court. Further, submitted that the sentenced imposed by the learned trial Court is required to be suspended till final disposal of the revision application.

2. Considering the arguments advance by the learned advocate for the applicant, perused the findings recorded by both the Courts and the present applicant-accused has good case on merits. Hence, considering the sentence awarded by the learned trial Court is required to be suspended till final disposal of the revision application.

3. Issue the rule returnable on 26.08.2025, Learned APP waives service on behalf of the respondent No. 1 State.

4. Interim relief in terms of para 9 – (C) is granted. The sentence awarded by learned Judicial Magistrate First Class, Junagadh in Criminal Case No.941/2016 judgment and order dated 15.12.2022 convicting the present applicant accused under Section 138 of the Negotiable Instruments Act, sentencing him to one year of simple imprisonment and judgment passed by the 6th Additional Sessions Judge, Junagadh in Criminal Appeal No. 01/2023 judgment dated 18.12.2024 dismissing the appeal of the present applicant-accused confirming the judgment of the learned trial Court, is hereby, suspended till final disposal of the revision application.

5. The present applicant-accused has to furnish personal

bond of Rs.10,000/- and surety of like amount before the learned trial Court on following conditions:-

- (a) Not to misuse the liberty given by this Court.
- (b) Furnishing address with documentary proof before the Court.
- (c) Not to leave India without prior permission of this Court.
- (d) The present applicant-accused has to deposit Rs.1,73,000/- before the learned trial Court within four weeks from the date of passing this order.

Direct Service permitted.

(L. S. PIRZADA, J)

HRT

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: HIMAL RAKESHKUMAR TRIVEDI(HCD0071), ENGLISH STENOGRAPHER GRADE TWO CLASS TWO, at High Court of Gujarat on 25/06/2025 15:48:47