

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 173 of 2026**

**With
CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE) NO.
1 of 2026**

In R/CRIMINAL REVISION APPLICATION NO. 173 of 2026

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JAYESHKUMAR VINUBHAI PARMAR

Versus

DIPESH GHANSHYAMBHAI PATEL & ANR.

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Appearance:

MR HEMANT B RAVAL(3491) for the Applicant(s) No. 1

MR. ROHAN H. RAVAL, APP for the Respondent(s) No. 2

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CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL

Date : 22/01/2026

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 01.01.2026 passed in Criminal Appeal No. 66 of 2025 by the learned 6th Additional District and Sessions Judge, Nadiad, confirming the judgment and order dated 28.01.2025 passed in Criminal Case No. 412 of 2022 by the learned 5th Additional Senior Civil Judge and Additional Chief Judicial Magistrate, Nadiad, 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 with fine and

direction to pay compensation to the original complainant.

3. Having heard and considering the averments made in the present application, issue *Rule*, returnable on 23rd February 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 Rs.13,000/-. 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 Rs.13,000/-, present application deserves consideration.
4. Accordingly, this application is allowed. Subject to the applicant depositing Rs.13,000/- within a period of 20 days 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.

NITIN MAKWANA

(P. M. RAVAL, J)