

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

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

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RAMADEBHAI KANABHAI KADACHHA
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR ARSHAD SHAIKH(11761) for the Applicant(s) No. 1

MR MOHAMMEDABRAR M VALIYANI(11764) for the
Applicant(s) No. 1

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

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CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL

Date : 29/01/2026

ORAL ORDER

1. Learned advocate for the applicant seeks permission to file the paper-book. The same shall be filed in the registry, which the registry shall accept and place on record.

2. Heard, learned advocate for the applicant.

3. 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 07.01.2026 passed in Criminal Appeal No. 8 of 2025 by the learned 2nd Additional Sessions Judge, Keshod confirming the judgment and order dated 30.12.2024 passed in Criminal Case No. 79 of 2021 by the learned Additional Chief Judicial Magistrate, Keshod, 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.

4. 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, however, it is requested that some time may be given and accordingly, it is urged that pending present revision application, sentence imposed upon the applicant may be suspended.

5. Considering the above, issue **Rule**, returnable on **17.03.2026**. Learned Additional Public Prosecutor waives service on behalf of respondent – State.

5.1 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.

6. 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.

7. **Direct Service** is permitted.

[P. M. Raval, J.]

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