

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 243 of 2026**

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KANUBHAI AMRATBHAI PRAJAPATI
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR. MAULIK M SONI(7249) for the Applicant(s) No. 1
UTKARSH SHARMA APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL

Date : 26/02/2026

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 17.12.2025 passed in Criminal Appeal No. 191/2025 by the learned 6th Additional Sessions Court at Nadiad, District Kheda confirming the judgment and order of conviction dated 19.03.2025 passed in Criminal Case No. 2230 of 2021 passed by the learned Additional Civil Judge and JMFC, 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.
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 has deposited Rs. 1,44,000/- in total in compliance of order dated 03.02.2026 and accordingly, it is urged that pending present revision application, sentence imposed upon the applicant may be suspended.

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

4.1 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 breach of any of the above conditions, 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

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MAHENDRA MOHANBHAI PUROHIT(HCD0074), ENGLISH STENOGRAPHER GRADE TWO CLASS TWO, at High Court of Gujarat on 26/02/2026
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