

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL REVISION APPLICATION NO. 802 of 2026

With

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

In

R/CRIMINAL REVISION APPLICATION NO. 802 of 2026

=====

PATEL HITESHBHAI MADHUSUDANBHAI PROPRIETOR OF SHRI
AHSHAPURA PACKAGING

Versus
STATE OF GUJARAT & ANR.

=====

Appearance:

O I PATHAN(7684) for the Applicant(s) No. 1

MS JYOTI BHATT, APP for the Respondent(s) No. 1

=====

CORAM:HONOURABLE MS. JUSTICE GITA GOPI

Date : 20/03/2026

COMMON ORDER

Order in CR.MA:-

1. RULE. Learned Additional Public Prosecutor waives service of notice of Rule on behalf of respondent–State.
2. By way of this application, the challenge is given to the concurrent findings of conviction and sentence passed under Section 138 of the Negotiable Instruments Act, 1881.
3. Learned advocate for the applicant submits that in compliance of the order dated 9.2.2026, an amount of Rs.4,50,000/- has already been deposited before the learned Appellate Court. Learned advocate for the applicant also produces before this Court a copy of the receipt of the above payment. It was, therefore, prayed that the present application may be allowed and the sentence qua the applicant herein may be suspended and the applicant be granted bail.

4. Learned Additional Public Prosecutor prayed that no discretion may be exercised in favour of the applicant.
5. Heard learned advocates appearing for the respective parties and perused the material on record. Taking into consideration the facts and circumstances of the case and when an amount of Rs.4,50,000/- has been deposited before the learned Appellate Court and when the Revision Application will take its own time to come for final hearing, the order of sentence requires consideration.
6. In view of the above, the order of sentence dated 19.9.2024 passed by the learned Additional Chief Judicial Magistrate, Kadi in Criminal Case no.1340/2023, which was upheld and confirmed by order dated 12.9.2025 passed by the learned 4th Additional Sessions Judge, Mahesana in Criminal Appeal no.593/2024 are suspended till disposal of the Revision and the applicant is ordered to be released on bail on executing a personal bond of Rs.10,000/- (Rupees ten thousand only) and a surety of like amount to the satisfaction of the Trial Court concerned and subject to the conditions that the applicant shall:-

[a] pursue the matter scrupulously as and when the same is listed;

[b] not take undue advantage of liberty or misuse liberty;

[c] not leave India without prior permission of the Court;

7. If breach of any of the above conditions is committed, the Sessions Judge concerned will be free to issue warrant or take appropriate action in the matter.
8. Accordingly, the present application is allowed in the above terms. Rule is made absolute to the aforesaid extent. Direct service is permitted. Registry to communicate this order to the concerned Court/authority by Fax or Email forthwith.

Order in CR.RA:-

1. By way of this application, the challenge is given to the order of sentence dated 19.9.2024 passed by the learned Additional Chief Judicial Magistrate, Kadi in Criminal Case no.1340/2023, which was upheld and confirmed by order dated 12.9.2025 passed by the learned 4th Additional Sessions Judge, Mahesana in Criminal Appeal no.593/2024.
2. Taking into consideration the facts and circumstances of the case and when the Revision Application will take its own time to conclude, **RULE**. Learned APP waives service of notice of Rule on behalf of respondent–State.

Maulik

(GITA GOPI,J)