

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST
CONVICTION - NEGOTIABLE INSTRUMENT ACT) NO. 457
of 2026**

With

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

In R/CRIMINAL REVISION APPLICATION NO. 457 of 2026

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REVABHAI NAGAJIBHAI DESAI

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR NISHIT H SHAH(10712) for the Applicant(s) No. 1

MR.WASIM M PATHAN(6802) for the Applicant(s) No. 1

MR 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

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 13.10.2025 passed in

Criminal Appeal No. 174 of 2023 by the learned 10th Additional Sessions Judge, Ahmedabad (Rural) confirming the judgment and order dated 25.09.2023 passed in Criminal Case No. 4308 of 2018 by the learned Additional Chief Judicial Magistrate, CBI Court No. 1, Ahmedabad (Rural), 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 a direction to pay compensation to the original complainant.

3. Having heard and considering the averments made in the present application, issue ***Rule***, returnable on **8th June 2026**. Learned advocates for the respective respondents waive service.

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, by producing a copy of receipt, which is taken on record, states that the applicant has deposited 25% amount as per the order dated 19.02.2026 passed in the present proceedings. He also states on instructions that the applicant is

ready and willing to deposit further 25% amount, however, it is requested that some time may be given, and 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 has already complied with the order dated 09.02.2026 passed by this Court and deposited 25% amount and also ready to deposit further 25% amount, present application deserves consideration.

4. Accordingly, this application is allowed. Subject to the applicant depositing further 25% **of the cheque amount** within a period of **six weeks 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.

[P. M. Raval, J.]

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