

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 280 of 2020**

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VISHNUBHAI KASHIRAM PATEL

Versus

STATE OF GUJARAT & ANR.

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Appearance:

RASHESH A PATEL(8802) for the Applicant(s) No. 1

for the Respondent(s) No. 2

MR HARDIK MEHTA, ADDITIONAL PUBLIC PROSECUTOR for the
Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE GITA GOPI**Date : 01/07/2024****ORAL ORDER**

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 (hereinafter referred to in short as ‘the N.I. Act’).
3. Learned Advocate for the applicant-revisionist submits that in compliance of the order of this Court dated

26.03.2024, now, the total amount has been paid vide Cheque in the Registry. It was, therefore, prayed that the present application may be allowed and the sentence qua the applicant herein may be suspended.

4. Learned Additional Public Prosecutor prayed that no discretion may be exercised in favour of the applicant.
5. Heard learned Advocates on both the sides and perused the material on record. The Registry has noted of having received the Cheque bearing No.000020 dated 24.04.2024 for Rs.1,50,000/-. The Registry is directed to give the same to the Nazir Department for depositing/processing the same.
6. Taking into consideration the facts and circumstances of the case and when the total amount has been deposited before the Registry of this Court and when the revision application will take its own time to come for final hearing, the order of sentence requires consideration.

7. Hence, the sentence imposed upon the applicant-revisionist vide judgment of conviction and sentence dated 28.06.2017 by the learned 3rd Additional Chief Judicial Magistrate, Mehsana passed in Criminal Case No.4191 of 2013, which was upheld and confirmed on 03.02.2020 by the learned 6th Additional Sessions Judge, Mehsana in Criminal Appeal No.100 of 2017, shall remain suspended pending hearing and final disposal of the present Revision Application.

8. Direct service is permitted. Registry to communicate this order to the concerned Court/authority by Fax or Email forthwith.

CAROLINE

Sd/-
(GITA GOPI,J)