

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 1058 of 2026****With****CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE) NO.
1 of 2026****In****R/CRIMINAL REVISION APPLICATION NO. 1058 of 2026**

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SUNILKUMAR HARIBHAI PRAJAPATI**Versus****AASIFMIYA SHEKHUMIYA SHAIKH & ANR.**

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Appearance:**PRASHANT V CHAVDA(8510) for the Applicant(s) No. 1****MS JYOTI BHATT, APP for the Respondent(s) No. 2**

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CORAM:HONOURABLE MS. JUSTICE GITA GOPI**Date : 10/04/2026****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 50% of the cheque amount has already been deposited before the learned Court below. 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 has been deposited before the Court below 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 3.2.2023 passed by the Trial Court in Criminal Case no.223/22, which was upheld and confirmed by order dated 16.5.2024 passed by the Appellate Court in Criminal Appeal no.69/23 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. 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 3.2.2023 passed by the Trial Court in Criminal Case no.223/22, which was upheld and confirmed by order dated 16.5.2024 passed by the Appellate Court in Criminal Appeal no.69/23.
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)