

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 529 of 2026**

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SURESHBHAI FULABHAI SHAH
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR DV ACHARYA(5616) for the Applicant(s) No. 1
MS. BHAVNA D ACHARYA(6406) 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. Learned advocate Mr. Guarang B. Gohil appears on behalf of the original complainant – Respondent No. 2 and seeks permission to file his Vakalatnama in due course. Registry to accept the same.

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 29.01.2026 passed in Criminal Appeal No.385/2024 by the learned Additional Judge, City Civil & Sessions Court No. 23, Ahmedabad confirming the judgment and order dated 20.04.2024 passed in Criminal Case No. 36386/2018 by the learned Additional Chief Metropolitan Magistrate, NI Act, Ahmedabad 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 fine and direction to pay compensation to the original complainant.

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 is ready and willing to deposit **40%** of the cheque amount with the trial Court concerned and accordingly, it is urged that pending present revision application, sentence imposed upon the applicant may be suspended and the applicant may be enlarged on bail.

4. Considering the above, issue **Rule**, returnable on **09.04.2026**. Learned advocates for the respective respondents waive service on behalf of respondent – State.

4.1 Subject to the applicant depositing **40%** of the cheque amount within a period of **five 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 this revision application is suspended pending present 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. **Direct service** is permitted.

(P. M. RAVAL, J)

MOHD SAIF ULLAH

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MOHD SAIF ULLAH(HC02372), ENGLISH STENO GRADE-II, at High Court of Gujarat on 27/02/2026 11:21:05