

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 487 of 2026**

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RAJESHKUMAR KANCHANLAL PATEL

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR. ALTAF Y CHARKHA(7271) for the Applicant(s) No. 1

MS. C.M. SHAH, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE S.V. PINTO**Date : 09/06/2026****ORAL ORDER**

1. Notice, returnable on 02.11.2026. Learned APP waives service of notice for the respondent-State.

2. By way of the present application, the applicant - accused has prayed to quash and set aside the judgement and order of conviction passed by the learned 6th Additional Sessions Judge, Panchmahals at Godhra in Criminal Appeal No. 183 of 2024 dated 23.12.2025 confirming the judgement and order passed by the learned 5th Additional Judicial Magistrate, First Class, Panchmahals at Godhra, in Criminal Case No. 162 of 2024 dated 28.11.2024 and has prayed in Para-6(C) to suspend the order of execution of sentence during pendency of the present Revision Application, whereby, the present applicant - accused was sentenced to

simple imprisonment for one year and fine of Rs. 5,00,000/-, and in default, simple imprisonment for three months for the offence under Section 138 of the Negotiable Instruments Act, 1881.

3. Heard learned advocate Mr. Altaf Y. Charkha for the applicant and learned APP Ms. C.M. Shah for the respondent State.

4. Learned advocate Mr. Altaf Y. Charkha for the applicant submits that the applicant was convicted by the learned 5th Additional Judicial Magistrate, First Class, Panchmahals at Godhra by a judgment and order dated 28.11.2024, and had filed Criminal Appeal No.183 of 2024 before the Sessions Court, Godhra. At the time of filing before the Sessions Court, Godhra, the applicant had deposited 20% of the amount of cheque before the Sessions Court, Godhra and thereafter, he was arrested and sent into custody on 07.05.2026. Learned advocate further submits that the applicant is undergoing the sentence and is ready and willing to pay 20% of the amount of cheque before the learned Trial Court within a period of two weeks after his release. The applicant has a good case on merits and the prayer as prayed for in Para-6(C) may be

allowed.

5. Learned APP Ms. C.M. Shah for the respondent State has objected to grant of the present application.

6. Considering the fact that the conviction is a fixed sentence and there is no likelihood of the revision application being heard in the near future and a prima facie case is made out in favour of the present applicant, the prayer qua Para-6(C) is allowed. The order of execution of sentence passed by the learned 6th Additional Sessions Judge, Panchmahals at Godhra in Criminal Appeal No. 183 of 2024 dated 23.12.2025 confirming the judgement and order passed by the learned 5th Additional Judicial Magistrate, First Class, Panchmahals at Godhra, in Criminal Case No. 162 of 2024 dated 28.11.2024, is suspended during pendency of the Criminal Revision Application and the applicant is ordered to be released on bail on furnishing personal bond of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with surety of the like amount to the satisfaction of the Trial Court and on the following conditions;

(i) shall pay 20% of the amount of cheque within a period of four weeks from the date of his release.

(ii) shall file an affidavit cum undertaking that he will

deposit the 20% of the amount of cheque as ordered by this Court within a period of two weeks at the time of his release;

(iii) shall not take undue advantage of liberty or misuse liberty;

(iv) shall furnish the present address of his residence to the Court concerned at the time of execution of the bond;

(v) shall maintain law and order;

(vi) shall not indulge in any activity leading to breach of public peace and tranquility;

(vii) the applicant shall be released if not required in any other case.

7. It is clarified that if the applicant fails to pay 20% of the amount of cheque within a period of two weeks, the learned Trial Court shall issue a warrant for execution of the sentence. Direct service is permitted.

8. List the matter on 02.11.2026.

(S. V. PINTO,J)

ROHAN SONI

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ROHAN SONI(HC02356), ENGLISH STENO GRADE-III, at High Court of Gujarat on 10/06/2026 10:56:57