

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST
CONVICTION - NEGOTIABLE INSTRUMENT ACT) NO. 541 of
2026**

=====
KANUBHAI MOTIBHAI MACWAN

Versus

STATE OF GUJARAT & ANR.
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Appearance:

MR LAKSHIT V PATEL(10734) for the Applicant(s) No. 1

MR ROHAN RAVAL, APP for the Respondent(s) No. 1
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CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL

Date : 05/03/2026

ORAL ORDER

1. Learned advocate for the applicant has tendered the draft amendment. The same is allowed in terms of the draft. Amendment to be carried out forthwith.

2. Heard, learned advocate for the applicant.

3. 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 13.02.2026 passed in Criminal Appeal No. 487 of 2025 by the learned Principal District and Sessions Judge, Anand, confirming the judgment and order dated 28.02.2025 passed

in Criminal Case No. 2616 of 2022 by the learned 5th Additional Chief Judicial Magistrate, Anand, 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.

4. 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, however, it is requested that some time may be given, 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.

5. Considering the above, issue *Rule*, returnable on **24.03.2026**. Learned Additional Public Prosecutor waives service on behalf of respondent – State.

5.1 Subject to the applicant depositing **20% of the cheque amount** within a period of **one week from the date of his actual release** and **rest 20%, within one month thereafter**, 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.

6. 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.

7. **Direct service** is permitted.

[P. M. Raval, J.]

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