

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 319 of 2025**

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JIGNESHBHAI THAKARSHIBHAI DUNGARANI

Versus

NARESHBHAI UTTAMBHAI GANDHI POA OF DHARMESHBHAI
HARESHCHANDRA MISTRY & ANR.

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Appearance:

MR. KISHAN H DAIYA(6929) for the Applicant(s) No. 1

MR VIRAT G POPAT(3710) for the Respondent(s) No. 1

MR. N. J. SHARMA, APP for the Respondent(s) No. 2

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CORAM:HONOURABLE MR.JUSTICE L. S. PIRZADA**Date : 18/08/2025****ORAL ORDER**

1. Heard the learned advocate Mr. Mahesh K. Pujara appearing on behalf of learned advocate Mr. Kishan H. Daiya for the applicant. He would submit that the present applicant - accused has been convicted by the learned Trial Court for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and the same was challenged before the by preferring Criminal Appeal before the learned Sessions Court, the learned Sessions Court has dismissed the appeal and confirmed the conviction passed by the learned Trial Court. Hence, against that the present Revision Application has been preferred by the present applicant - accused. Further, he would submits that the present applicant has deposited 30% of

cheque amount before the learned Sessions Court, and he is ready and willing to deposit further amount as directed by this Court. Further, he would submit that the present applicant has good case on merits as the complaint being to be filed by the power of attorney holder of the complainant and the power of attorney has no personal knowledge regarding the transaction, so the evidence cannot be considered by the Court, but in spite of this facts, the Trial Court and Appeal Court have not considered this aspect. Hence, pending revision application, the sentence is required to be suspended till final disposal of this revision application and the present applicant - accused may be enlarged on bail.

2. Rule. Learned advocate for the respondent No.1 and learned APP waive service for the respondent - State.

3. On the other hand the learned advocate Ms. Shweta Lodha on behalf of learned advocate Mr. Virat G. Popat for the respondent No.1 - original complainant would submit that there is a concordant findings by the Trial Court and the Appeal Court and further would submit that before suspending of sentence the present petitioner be ready to deposit further amount.

4. Considering the arguments advanced by the learned advocates for the respective parties, perusing the judgment passed by the Trial Court and the Appeal Court, considering the fact that the present applicant has a very good case on merits. Hence, considering this, pending revision application, the sentence is required to be suspended and the applicant be enlarged on bail.

5. Interim relief in terms of Para 8(C) is granted and the sentenced passed by the learned Special Judge, N. I. Act Court, Surat in Criminal Case No.22758 of 2019 by judgment and order dated 17.08.2023, sentencing the accused for one year simple imprisonment for the offence punishable under Section 138 of the Negotiable Instruments Act and the judgment passed by the learned Principal District and Sessions Judge, Surat in Criminal Appeal No.670 of 2023 dated 31.12.2024, dismissing the Appeal and confirming the judgment and order of the learned Trial Court has been suspended till final disposal of this revision application.

6. The present applicant - accused is to furnish the personal bond of Rs.10,000/- and surety of the like amount before the learned Trial Court on following conditions:

- i. The present applicant shall not misuse the liberty granted by this Court;
- ii. Furnish the correct address with the documentary evidence before the learned Trial Court while executing the bond;
- iii. Not to leave India without prior permission of this Court;
- iv. Further, the present applicant – accused has to deposit 20% of the amount of the cheque before the learned Trial Court within 4 weeks from the date of this order.

Direct Service is permitted.

(L. S. PIRZADA, J)

NITIN MAKWANA

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: NITIN INDRAVADAN MAKWANA(HCW0110), ENGLISH STENOGRAPHER GRADE I, at High Court of Gujarat on 19/08/2025 16:15:41