

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 638 of 2026**

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NAYI DEVENDRABHAI BABULAL

Versus

STATE OF GUJARAT & ANR.

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Appearance:

JIGNESHKUMAR M NAYAK(8558) for the Applicant(s) No. 1

MS JYOTI BHATT APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE GITA GOPI**Date : 23/03/2026****ORAL ORDER**

1. By way of this application, the applicant – revisionist challenges the judgment of conviction and sentence dated 11.07.2024 passed by the learned Judicial Magistrate, First Class, Mansa in Criminal Case No.354 of 2017 under Section 138 of the Negotiable Instruments Act, 1881. The above sentence was challenged by way of an appeal and the same was confirmed on 08.12.2025 by the learned 6th Additional Sessions Judge, Gandhinagar in Criminal Appeal No.261 of 2024.

2. Learned advocate Mr. Jigneshkumar M.Nayak for the applicant states that the revision has been raised against the concurrent finding of conviction and sentence. Advocate Mr. Nayak submits that in compliance of the order 50% of cheque amount deposited.

3. Learned Additional Public Prosecutor prayed that no discretion may be exercised in favour of the applicant.

4. Taking into consideration the facts and circumstances of the case and when 50% of the cheque amount has been deposited, and when the revision application will take its own time to conclude, the order of sentence requires consideration. Hence, **Rule.**

5. The sentence imposed upon the applicant - revisionist vide judgment of conviction and sentence dated 11.07.2024 passed by the learned Judicial Magistrate, First Class, Mansa in Criminal Case No.354 of 2017, which was upheld and confirmed on 08.12.2025 by the learned 6th Additional Sessions Judge, Gandhinagar in Criminal Appeal No.261 of 2024, shall remain suspended pending hearing and final disposal of the present Revision Application.

Direct service is permitted.

(GITA GOPI,J)

Pankaj/70