

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 407 of 2025**

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RAMESHBHAI REVABHAI PATEL

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR VATSAL M PATEL(13752) for the Applicant(s) No. 1

MR. PANAM C SONI(7035) for the Respondent(s) No. 2

MR. H K PATEL APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE L. S. PIRZADA**Date : 25/07/2025****ORAL ORDER**

1) Heard the learned advocate for the applicant and it is submitted 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 by preferring Criminal Appeal before the learned District Court which appeal came to be dismissed and the judgment and order passed by the learned Trial Court is confirmed. Against that, the present revision application has been preferred by the present applicant - accused. Further, it is submitted that the present applicant - accused has deposited 15% of the amount of the

cheque before this Court and he is ready and willing to deposit further amount as directed by this Court. However, it was submitted that the present applicant has a very good case on merits and learned Trial Court has not recorded any findings regarding the offence committed by the company and that is why, the present applicant who is the director of the company has been vicariously liable and it is submitted that the transaction is only to reverse the entry of the purchase of two bungalows and this aspect has not been considered. Hence, pending revision application, the sentence is required to be suspended till final disposal of this revision application.

2) On the other hand, Learned advocate for the respondent no.2 - original complainant vehemently opposed and submitted that the learned Trial Court has after considering the evidence, passed the judgment and recorded the finding against the present applicant - accused and the same was challenged by preferring the appeal which has been dismissed. So, there is two concurrent findings against the present applicant - accused and hence, the same condition is required to be put before suspension of the sentence.

3) Issue Rule, returnable on 30.09.2025. Learned APP

waives service for the respondent - State.

4) Considering the arguments advanced by the learned advocate for the applicant perusing the judgments of both Courts, it is the case of short sentence of hearing and the present applicant - accused has a very good case on merits and the revision might take long and considering this, pending revision application, the sentence is required to be suspended.

Interim relief in terms of Para 10(D) is granted and the sentenced imposed by the learned Additional Chief Metropolitan Magistrate, N.I. Act, Court No.31, Ahmedabad in Criminal Case No.476 of 2014, sentencing the accused for two years simple imprisonment and the judgment passed by the learned Additional Sessions Judge, City Sessions Court No.7, Ahmedabad in Criminal Appeal No.310 of 2024 confirming the judgment and order of the learned Trial Court on 12.02.2025 has been suspended till final disposal of this revision application.

5) The present applicant should be released on bail, if any, on furnishing the bail bond of Rs.10,000/- and surety of the like amount on following conditions:

i. The present applicant shall not misuse the liberty

granted by this Court;

- ii. Furnish the address with the documentary evidence before the learned Trial Court while executing the bail 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 within 8 weeks from the date of this order and further, 15% of the amount of the cheque within 8 weeks from the date of this order before the learned Trial Court.

Direct Service is permitted.

(L. S. PIRZADA, J)

JCP

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: JAIMIN CHANDRAKANTBHAI PRAJAPATI(HCD0066), ENGLISH STENOGRAPHER GRADE TWO CLASS TWO, at High Court of Gujarat on 28/07/2025 18:13:53