

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 460 of 2025**

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HITESHBHAI SOMABHAI PATEL
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR JIGNESH L HAJARE(3994) for the Applicant(s) No. 1
MR. AMITKUMAR U SOLA(9932) for the Applicant(s) No. 1
PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE L. S. PIRZADA

Date : 31/07/2025

ORAL ORDER

1. The present revision application has been preferred by the applicant - original accused under Section 438 read with Section 442 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (for short, the "BNSS").

2. Learned advocate for the applicant - accused submitted that the present applicant - accused has been convicted by the learned trial Court under Section 138 of the Negotiable Instruments Act and sentenced to undergo 2 year's simple imprisonment. The said order was challenged by way of preferring an appeal before the

Sessions Judge, Navsari which came to be dismissed and the order of the learned trial Court was confirmed. It is submitted that the present applicant - accused is in judicial custody and has deposited 20% amount of the cheque before the learned Sessions Court and is ready and willing to deposit further amount as directed by this Court and, therefore, the sentence imposed upon the applicant - accused is required to be suspended and the accused be released on bail pending the present revision application.

3. Considering the arguments advanced by the learned advocate for the applicant - accused, perusing the judgments passed by both the learned trial Courts and also considering the fact that the present applicant - accused is sentenced to undergo 2 year's simple imprisonment and since the applicant - accused is in the judicial custody, the sentence imposed upon the applicant - accused is required to be suspended and meanwhile, the present applicant - accused is required to be released on bail.

4. In view of the above, issue Rule, making it returnable on 06.10.2025. The learned A.P.P. waives service of Rule for the respondent - State.

5. Interim relief in terms of paragraph 6(C) is granted.

6. The sentence imposed upon the applicant - accused by judgment and order dated 30.11.2022 passed by the & Additional Chief Judicial Magistrate Gandevi, District: Navsari in Criminal Case No.737 of 2013, convicting the applicant - accused under Section 138 of the Negotiable Instruments Act and sentencing him to undergo 2 year's simple imprisonment and confirmed in Criminal Appeal No.55 of 2023 by the Sessions Judge, Navsari by order dated 10.01.2025, is hereby suspended till final disposal of the present revision application. Since the present applicant - accused is in judicial custody, the applicant - accused is released on bail, if he is not required in any other offence, on the following terms and conditions:-

(1) The applicant - accused shall furnish personal bond

of Rs.10,000/- as well as surety of the like amount before the learned trial Court.

(2) Not misuse the liberty granted to him by this Court;

(3) The applicant - accused shall also furnish the correct and permanent address with the documentary evidence before the learned trial Court.

(4) Not leave India without prior permission of this Court.

(5) The present applicant - accused shall deposit 30% of the cheque amount before the learned trial Court within a period of 4 weeks from the date of receipt of copy of this order.

Direct service is permitted.

CHIRAG D PAL

(L. S. PIRZADA, J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: CHIRAG DESHRAJ PAL(HCD0072), ENGLISH STENOGRAPHER GRADE TWO CLASS TWO, at High Court of Gujarat on 01/08/2025 18:05:50