

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 821 of 2026**

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DESURBHAI KARSANBHAI BHATIYA

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR SAMIR B GOHIL(5718) for the Applicant(s) No. 1

MR BHARGAV PANDYA APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE GITA GOPI**Date : 27/03/2026****ORDER**

1. RULE. Learned Additional Public Prosecutor waives service of notice of Rule on behalf of respondent–State.
2. By way of this application, the challenge is given to the concurrent findings of conviction and sentence passed under Section 138 of the Negotiable Instruments Act, 1881.
3. Pursis Exh.11 in the Criminal Appeal No.87 of 2025 has been referred by the learned Advocate to submit that 20% of the cheque amount has been paid to the complainant in cash. It was, therefore, prayed that the present application may be allowed and the sentence qua the applicant herein may be suspended and the applicant

be granted bail.

4. Learned Additional Public Prosecutor prayed that no discretion may be exercised in favour of the applicant.
5. Heard learned advocates appearing for the respective parties and perused the material on record. Taking into consideration the facts and circumstances of the case and when 20% of the cheque amount has been deposited before the learned Appellate Court and when the Revision Application will take its own time to come for final hearing, the order of sentence requires consideration.
6. In view of the above, the order of sentence dated 13.10.2025 passed by the learned Chief Judicial Magistrate, Khambhadiya in Criminal Case no.933 of 2025, which was upheld and confirmed by order dated 10.03.2026 passed by the learned Sessions Judge, Khambhadiya in Criminal Appeal no.87 of 2025 are suspended till disposal of the Revision and the applicant is ordered to be released on bail on executing a personal bond of Rs.10,000/-(Rupees ten thousand only) and a surety of like amount to the satisfaction of the Trial Court concerned and subject to the conditions that the applicant shall:-
 - [a] pursue the matter scrupulously as and when the same is listed;

[b] not take undue advantage of liberty or misuse liberty;

[c] not leave India without prior permission of the Court;

7. Direct service is permitted. Registry to communicate this order to the concerned Court/authority by Fax or Email forthwith.

PARMAR KRISH/45

(GITA GOPI,J)