

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 506 of 2025**

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MANHARLAL @ MANILAL KANJI RAIYANI (RAMANI)
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR P S DATTA(11324) for the Applicant(s) No. 1
MR HK PATEL, APP for the Respondent(s) No. 2

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

**Date : 04/04/2025
ORAL ORDER**

1. By way of this application under Section 438 read with Section 442 of the Bharatiya Nyaya Suraksha Sanhita, 2023 (for short "BNSS") , the applicant has prayed for quashing and setting aside the judgment and order dated 06.08.2024 passed by the learned Additional Chief Judicial Magistrate, Bhuj at kachh in Criminal Case No.2483/2019, whereby the Trial Court has been pleased to held the applicant guilty and sentenced to undergo SI of one year and also directed to pay Rs.15,00,000/- towards compensation to the original complainant, in default to undergo further SI 30 days, as well as order dated 20.03.2025 by which learned Sessions Judge, Kachchh at Bhuj, dismissed Criminal Appeal No.117/2024 and confirmed the judgment and order of conviction dated 06.08.2024 of learned trial Court. Hence, this Revision Application is filed.

2. Learned advocate for the applicant has taken this Court

through the factual matrix arising out of the present application and submitted that, the both the courts below have erred in recording conviction though the complainant failed to prove his case. Further, the learned Courts below failed to appreciate the evidence in its true perspective though the complainant failed to prove legally enforceable debt and the defense made by the complainant was not properly examined by the trial Court. Further, the accused has rebutted presumption and complainant has failed to prove case against the applicant. Considering the aforesaid facts, the applicant has good case and arguable case. Even without entering into merit of the case, the applicant has submitted that, the applicant is in custody. However, the applicant has already deposited Rs.3,00,000/- and remaining amount of Rs.12,00,000/- within one week and in this regard he has filed on record and undertaking.

3. Considering the aforesaid facts, issue **NOTICE** making it returnable on **19.06.2025**. Learned APP waives service of Notice for and on behalf of respondent No.1 – State of Gujarat.

4. Pending the present criminal revision application, **interim relief** in terms of **paragraph No.47** is granted and sentence imposed upon the applicant vide impugned judgment dated 06.08.2024 passed by the learned Additional Chief Judicial Magistrate, Bhuj at Kachh in Criminal Case No.2483/2019, as well as order dated 20.03.2025 passed by the learned Sessions Judge, Kachchh at Bhuj, in Criminal Appeal No.117/2024 are suspended and the applicant shall be released on bail by executing a fresh bond of **Rs.10,000/- (Rupees Ten Thousand**

Only) with one surety of the like amount to the satisfaction of the trial Court, on conditions that applicant:-

- (a) shall not take undue advantage of liberty or misuse liberty;
- (b) shall not leave India without prior permission of this Court.
- (c) shall furnish the present address of his residence to the Court concerned at the time of execution of the bond and shall not change the residence without the prior permission of this Court.
- (d) shall proceed with the Criminal Revision Application as and when listed and shall not prolong the hearing of the same.

5. The authorities will release the applicant only if he is not required in connection with any other offence for the time being. If breach of any of the above conditions is committed, the Sessions Judge concerned will be free to issue warrant or take appropriate action in the matter.

Direct service is permitted.

(HASMUKH D. SUTHAR,J)

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