

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 514 of 2025**

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RABARI LAKHABHAI AMRUTLAL

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR K I KAZI(5030) for the Applicant(s) No. 1

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

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CORAM:HONOURABLE MR.JUSTICE L. S. PIRZADA**Date : 19/08/2025****ORAL ORDER**

1. Heard learned advocate Mr. K.I. Kazi for the applicant. It is submitted that the present applicant has been convicted by the learned trial Court for the offence punishable under Section 138 of the Negotiable Instruments Act and same was challenged by preferring an appeal before the learned Sessions Court and the learned Sessions Court has rejected the appeal and confirmed the judgment of conviction by the learned trial Court and revision application has been preferred. Further, it is submitted that present applicant has deposited 20% of the cheque amount before the learned District Court. He is ready and willing to deposit further amount as directed by this Court and prayed for suspension of the sentence and pending revision

application.

2. Considering the arguments advance by the learned advocate for the applicant, perusing the judgment passed by the learned trial Court and the judgment passed by the learned Appellate Court. Hence, the present case in hand is concerned. It is a case of short sentence of two years only, hearing of the revision application might take long time. The present applicant has good case on merits. Considering this the sentence is required to be suspended, pending revision application.

3. Issue the Rule to respondent, returnable on 07.11.2025. Learned APP waives service of Rule on behalf of the respondent – State.

4. Interim relief in terms of paragraph 7 – (C) is granted.

5. The sentence passed by the learned Judicial Magistrate First Class, Unjha in Criminal Case No.12/2021 judgment and order dated 22.12.2023 sentencing the present applicant for two years of simple imprisonment for the offence punishable under Section 138 of the Negotiable Instruments Act and judgment passed by the learned 4th Additional Sessions Judge,

Visnagar, Mahesana in Criminal Appeal No.13/2024 by judgment dated 13.03.2025 rejecting the appeal and confirming the judgment of conviction passed by the learned trial Court, is hereby, suspended till the final disposal of the revision application. The present applicant has to furnish personal bond of Rs.10,000/- and surety of like amount before the learned trial Court on following conditions:-

- (a) Not to misuse the liberty given by this Court.
- (b) Furnishing address with documentary proof before the learned trial Court.
- (c) Not to leave India without prior permission of this Court.
- (d) The present applicant has to deposit 30% of the cheque amount before the learned trial Court within four weeks from the date of passing of this order.

Direct service permitted.

(L. S. PIRZADA, J)

HRT

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: HIMAL RAKESHKUMAR TRIVEDI(HCD0071), ENGLISH STENOGRAPHER GRADE TWO CLASS TWO, at High Court of Gujarat on 19/08/2025 18:23:07