

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 545 of 2025**

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JAYSUKHBHAI HIRALAL RANINGA (SONI)
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR BM MANGUKIYA(437) for the Applicant(s) No. 1
MS BELA A PRAJAPATI(1946) for the Applicant(s) No. 1
MS JYOTI BHATT APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE L. S. PIRZADA

Date : 23/06/2025

ORAL ORDER

1. The present revision application has been preferred by the applicant – original accused under Section 397 read with Section 401 of the Code of Criminal Procedure.
2. It is submitted by learned advocate Mr.B.M. Mangukiya for the applicant – accused 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 and sentenced to undergo 2 years’ simple imprisonment and the same was challenged by way of preferring Criminal Appeal No.296

of 2023 before the learned Sessions Court, Jamnagar and by judgment dated 26.03.2025, the learned Sessions Court dismissed the appeal and confirmed the judgment passed by the learned trial Court. It is further submitted that before the learned trial Court, the present applicant - accused, was put a question in the cross-examination and has rebutted the presumption under Section 139 and only on the ground that merely, a cheque has been issued, the present applicant - accused has been convicted. It is submitted that the present applicant - accused has deposited 20% of the amount of cheque before the learned appellate Court. It is submitted that, therefore, the sentence imposed upon the present applicant - accused is required to be suspended, pending the present revision application.

3. Considering the arguments advanced by the learned advocate for the applicant - accused and perusing the judgments passed by the learned trial Court and the learned appellate Court, the present revision application requires consideration and the sentence imposed upon

the applicant – accused is required to be suspended.

4. In view of the above, issue Rule, making it returnable on 25.08.2025. The learned A.P.P. waives service of Rule for the respondent – State.

5. Interim relief in terms of paragraph 24B is granted till the next date of hearing.

6. The sentence imposed upon the applicant – accused by judgment and order dated 02.09.2023 passed by learned 10th Additional Chief Judicial Magistrate, Special Negotiable Court, Jamnagar in Criminal Case No.3367 of 2019, convicting the present applicant – accused under Section 138 of the Negotiable Instruments Act and sentencing him to undergo 2 years' simple imprisonment and also directed to pay the double amount of cheque by way of compensation to the complainant, in default, further 4 months' simple imprisonment, which was confirmed by judgment dated 26.03.2025 passed by the learned Sessions Judge, Jamnagar in Criminal Appeal No.296 of 2023, dismissing the appeal, is hereby

suspended till the final disposal of the present revision application 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.

(L. S. PIRZADA, J)

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