

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 979 of 2026**

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KADAMKUMAR JAGDISHBHAI PATEL

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MANSI M MULANI(9575) for the Applicant(s) No. 1

MS. C.M. SHAH, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MS. JUSTICE S.V. PINTO****Date : 06/07/2026****ORAL ORDER**

1. Leave to amend is granted. Accordingly to be carried out.
2. Notice, returnable on 08.12.2026. Learned APP waives service of notice for the respondent-State.
3. By way of the present application, the applicant - accused has prayed to quash and set aside the judgement and order of conviction passed by the learned 11th Additional Sessions Judge, Ahmedabad (Rural) in Criminal Appeal No. 256 of 2024 dated 27.02.2026 confirming the judgement and order passed by the learned 2nd Additional Judicial Magistrate First Class, Ahmedabad (Rural), in Criminal Case No. 234 of 2019 dated 13.09.2024 and has prayed in Para-7(C) to suspend the order of execution of sentence

during pendency of the present Revision Application, whereby, the present applicant - accused was sentenced to simple imprisonment for one year, to pay twice the amount of cheque as compensation to the complainant within a period of two months from the date of order, and in default, simple imprisonment for three months for the offence under Section 138 of the Negotiable Instruments Act, 1881.

4. Heard learned advocate Ms. Ayushri M. Thakkar for learned advocate Ms. Mansi M. Mulani for the applicant and learned APP Ms. C.M. Shah for the respondent State.

5. Learned advocate Ms. Ayushri M. Thakkar for the applicant submits that the applicant was convicted by the learned 2nd Additional Judicial Magistrate First Class, Ahmedabad (Rural) by a judgment and order dated 13.09.2024, and had filed Criminal Appeal No.256 of 2024 before the Sessions Court, Ahmedabad. Learned advocate further submits that the applicant is undergoing the sentence and is ready and willing to pay 20% of the amount of cheque before the learned Trial Court within a period of four weeks. The applicant has a good case on merits and the prayer as prayed for in Para-7(C) may be allowed.

6. Learned APP Ms. C.M. Shah for the respondent State has objected to grant of the present application.

7. Considering the fact that the conviction is a fixed sentence and there is no likelihood of the revision application being heard in the near future and a prima facie case is made out in favour of the present applicant, the prayer qua Para-7(C) is allowed. The order of execution of sentence passed by the learned 11th Additional Sessions Judge, Ahmedabad (Rural) in Criminal Appeal No. 256 of 2024 dated 27.02.2026 confirming the judgement and order passed by the learned 2nd Additional Judicial Magistrate First Class, Ahmedabad (Rural), in Criminal Case No. 234 of 2019 dated 13.09.2024, is suspended during pendency of the Criminal Revision Application and the applicant is ordered to be released on bail on furnishing personal bond of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with surety of the like amount to the satisfaction of the Trial Court and on the following conditions;

- (i) shall pay 20% of the amount of cheque within a period of four weeks from the date of his release;
- (ii) shall file an affidavit cum undertaking that he will deposit the 20% of the amount of cheque as ordered by

this Court within a period of four weeks at the time of his release;

(iii) shall not take undue advantage of liberty or misuse liberty;

(iv) shall furnish the present address of his residence to the Court concerned at the time of execution of the bond;

(v) shall maintain law and order;

(vi) shall not indulge in any activity leading to breach of public peace and tranquility;

(vii) the applicant shall be released if not required in any other case.

8. It is clarified that if the applicant fails to pay 20% of the amount of cheque within a period of four weeks, the learned Trial Court shall issue a warrant for execution of the sentence. Direct service is permitted.

9. List the matter on 08.12.2026.

ROHAN SONI

(S. V. PINTO,J)