

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 507 of 2022**

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JIGNESH BHARATKUMAR DALWALA PROP. OF BALAJI FASHION
Versus
STATE OF GUJARAT & ANR.

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Appearance:

BAILABLE WARRANT SERVED for the Applicant(s) No. 1
MR CHETAN M PANDE(11886) for the Applicant(s) No. 1
MR MATAFER R PANDE(3952) for the Applicant(s) No. 1
MR MOHDDANISH M BAREJIA(10612) for the Respondent(s) No. 2
MS MONALI BHATT, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**Date : 05/05/2026****ORDER**

1. By way of present revision application under Sections 397 read with 401 of the Code of Criminal Procedure, 1973, the applicant has prayed for quashing and setting aside the judgment and order dated 28.12.2021 passed by the learned District and Sessions Court, Surat in Criminal Appeal No.102 of 2016 and order dated 01.07.2016 passed by the learned Additional Chief Judicial Magistrate, Surat in Criminal Case No.1763 of 2013.

2. Learned Advocate for the applicant has submitted that during the pendency of the present revision application the applicant has deposited the cheque amount. In view of above once the amount being deposited and as the offence under Section 138 of the NI Act is quasi-criminal in character and is compoundable and punishment under the NI Act is not a means

of seeking retribution but is more a means to ensure payment of money and to promote credibility of cheques as a trustworthy substitute for cash payment. In absence of any perversity and no ground is found to upset the concurrent findings of the learned trial Court and Appellate Court and it is not open for Revisional Court to re-analyse and re-interpret the evidence in revisional jurisdiction. No case is made out to interfere with the reasons assigned by both the Courts.

3. At the same time this Court has taken into consideration the object of the Act as accused made payment and complainant has received the same, hence, in view of judgment of the Hon'ble Supreme Court ***Sanjabij Tari Vs Kishore S. Borcar***, *Neutral Citation 2025 INSC 1158*, maintaining the conviction this Court is inclined to extend the benefit under the Probation of Offenders Act, 1958, to the applicant-accused.

4. Accordingly, the applicant – accused is directed to be released on probation of good conduct under Section 4 of the Probation of Offenders Act, upon execution of probation bond in sum of Rs.20,000/-, with one surety of like amount for a period of six months.

5. It is hereby further directed that the applicant - accused shall receive the sentence as and when called upon till the said period and the applicant shall maintain peace during above mentioned period of six months.

6. The above mentioned bond under Section 4 of the Probation of Offenders Act, be submitted before the learned trial Court within 15 days of passing of this judgment.

7. Accordingly, present revision application is disposed of. Record and proceedings, if any, be sent back to the concerned Court forthwith. Rule is made absolute to the aforesaid extent.

ALI

(HASMUKH D. SUTHAR,J)