

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 662 of 2023****With****CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE) NO.
1 of 2024****In R/CRIMINAL REVISION APPLICATION NO. 662 of 2023**

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MAHMAD SUMARBHAI GHOGHA**Versus****STATE OF GUJARAT & ANR.**

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Appearance:**MR PARVEZ A PATHAN(10862) for the Applicant(s) No. 1****for the Respondent(s) No. 2****MR HK PATEL, APP for the Respondent(s) No. 1**

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CORAM:HONOURABLE MR. JUSTICE J. C. DOSHI**Date : 25/04/2024****ORAL ORDER****Order in Criminal Revision Application No.662 of 2023**

Heard learned advocates for the parties. Concurrent findings recorded by the learned Courts below convicting and sentencing the accused under section 138 of NI Act has been challenged inter-alia on the grounds stated in Revision memo. The Revision Application deserves consideration. **Rule.** Learned APP waives service of rule on behalf of respondent - State.

Order in Criminal Misc. Application No.1 of 2024

1. Heard learned advocates for the parties. .
2. By way of this application, the petitioner has prayed to

suspend the sentence imposed by the learned CJM, Valsad in Criminal Case No.1758 of 2019 and confirmed by the learned Sessions Judge, Valsad in Criminal Appeal No.8 of 2022 and grant regular bail.

3. The petitioner has filed Revision before this Court which is admitted.

4. Learned advocate for the petitioner submits that the petitioner is behind bar since 03.04.2024. It is further submitted that the petitioner is ready to deposit Rs.50,000/- of the cheque amount within two weeks from the date of release. It is submitted that the petitioner shall file usual Undertaking before this Court. Considering, this aspect, it is submitted to suspend the sentence and grant regular bail to the petitioner.

5. Upon considering the submissions made at bar, it appears that petitioner is sentenced for a fixed period and the Revision is not likely to be heard in near future, present application for suspension of sentence can be considered in view of the decision rendered in case of **Bhagwan Rama Shinde V/s. State of Gujarat (1999)4 SCC 421** as there are no exceptional circumstances pointed out by the learned A.P.P. to refuse/decline the application.

6. Considering above, pending Revision Application, impugned order passed by the Courts below are kept in abeyance till further orders. The petitioner is released on bail pending hearing of the Revision Application on furnishing personal bond of Rs.10,000/- and surety of like amount to the

satisfaction of the learned Trial Court concerned and on further following conditions :-

- (i) The petitioner shall deposit Rs.50,000/- of the total cheque amount within two weeks before the learned Trial Court after he being released, failing which, present bail shall automatically stand cancelled.
- (ii) The petitioner shall file usual Undertaking before this Court.
- (iii) The petitioner shall provide his address proof and shall not change address without permission of this Court.
- (iv) The petitioner shall also provide his mobile number as well as mobile number of his wife and shall not change the same.
- (v) The petitioner shall also provide mobile number of surety.

8. Accordingly, present application is allowed. Direct service is permitted.

SATISH

(J. C. DOSHI,J)