

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION NO. 607 of 2018**

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ADIL USMAN MEMAN

Versus

STATE OF GUJARAT

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Appearance:

MR. MR QURESHI(7264) for the PETITIONER(s) No. 1

MR.WASIM M PATHAN(6802) for the PETITIONER(s) No. 1

for the RESPONDENT(s) No. 2

MR. K.P. RAVAL APP for the RESPONDENT(s) No. 1

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CORAM: HONOURABLE MR.JUSTICE R.P.DHOLARIA

Date : 12/06/2018

ORAL ORDER

[1] **Rule.** Mr. K.P.Raval, learned APP waives service of notice of rule for and on behalf of respondent -State.

[2] By way of preferring the present revision application, the convicted revisionist, inter alia, has sought for suspension of sentence.

[3] In the present case, the learned 7th Additional Chief Judicial Magistrate, Rajkot, vide order dated 28.10.2015 passed in Criminal Case No.8208 of 2013 convicted the petitioner accused for the offence punishable under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for a period of nine months. The said decision was carried in the appeal by the accused wherein the Appellate Court has vide order

dated 20.04.2018 passed in Criminal Appeal No.35 of 2016, confirmed the order of the learned Magistrate.

[4] Learned advocate for the petitioner has pointed out that during the course of trial, the accused was on bail and even during the pendency of appeal, he was enlarged on bail and he has not breached any condition laid down upon him.

He further urged that hearing and disposal of the present revision application would definitely take pretty long time during which period the sentence may be suspended.

[5] Having heard, learned advocate for the respective parties and considering the overall facts and circumstances of the case sentence imposed by both the Courts below, the sentence imposed by judgment and order dated 28.10.2015 passed in Criminal Case No.8208 of 2013 by learned 7th Additional Chief Judicial Magistrate, Rajkot, which is confirmed by the learned Appellate Court vide order dated 20.04.2018 in Criminal Appeal No.35 of 2016, is hereby suspended on condition that the petitioner accused shall deposit Rs. 22,535/- before the concerned lower Court within a period of one week and proceed with the revision application as and when it may be listed pending hearing and final disposal of the present revision application.

Direct service is permitted.

(R.P.DHOLARIA, J)

MANOJ KUMAR