

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 1859 of 2026**

With

**CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE)
NO. 1 of 2026**

In R/CRIMINAL REVISION APPLICATION NO. 1859 of 2026

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KANTILAL NATHALAL RATHOD

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR ALPESH V SONI(11862) for the Applicant(s) No. 1

MR. AMIT R TIWARI(9947) for the Applicant(s) No. 1

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

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CORAM:HONOURABLE MS. JUSTICE S.V. PINTO

Date : 24/07/2026

ORAL ORDER

ORDER IN CRIMINAL REVISION APPLICATION :

1. Heard learned advocate Amit.R. Tiwari for the applicant.

2. Rule. Learned APP waives service of notice of rule for the respondent no.1 - State.

ORDER IN CRIMINAL MISC. APPLICATION :

1. Leave to amend is granted. To be carried out accordingly.

2. Rule. Learned APP waives service of notice of rule for the respondent no.1 - State.

3. By way of the present application, the applicant – accused has prayed to quash and set aside the judgment and order passed by learned Additional Sessions Judge, City Sessions Court No. 14, Ahmedabad in Criminal Appeal No. 392 of 2022 dated 03.03.2026 confirming the judgment and order passed by the learned Additional Chief Metropolitan Magistrate, N.I. Act Court No.27, Ahmedabad in Criminal Case No.53 of 2015 dated 15.10.2022 and has prayed to suspend the order of execution of sentence during pendency of the present Revision Application, whereby, the present applicant is convicted for the offence under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo simple imprisonment for a period of one year and also ordered the applicant to pay Rs.10,00,000/- as compensation with interest @ 9% annum from 22.12.2014.

4. Heard learned advocate Mr.Amit R. Tiwari for the applicant and learned APP Ms.C.M.Shah for the respondent State.

5. Learned advocate for the applicant submits that the applicant is aged about 77 years and is at present in jail. Learned advocate further submits that the applicant was convicted by the learned Trial Court. Thereafter, the applicant had filed Criminal Appeal before the City Sessions Court, Ahmedabad. During pendency of the criminal appeal, the applicant had deposited 20% of the amount of cheque i.e. Rs.2,00,000/- before the City Sessions Court vide Receipt

No.04925 on 16.05.2023. Learned advocate submits that the judgment and order passed by the learned Trial Court came to be confirmed and, thereafter, he came to arrested and sent into custody and is in jail. Learned advocate further submits that the applicant is undergoing the sentence and is ready and willing to deposit further 20% of the amount of cheque before the learned Trial Court before his release. The applicant has a good case on merits and hence, the present application may be allowed.

6. Learned APP Ms.C.M.Shah for the respondent - State has objected to grant of the present application; however, submits that appropriate order may be passed.

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 considered the fact that the applicant has already deposited 20% of the amount of cheque i.e. 2,00,000/- with the learned Trial Court and is ready and willing to deposit further 20% amount of cheque before his release and as the offence is bailable and compoundable under Section 147 of the Negotiable Instruments Act, 1881, pending the hearing and final disposal of the present criminal revision application, execution of sentence passed in the impugned judgment and order passed by learned Additional Sessions Judge, City Sessions Court No.14, Ahmedabad in Criminal Appeal No. 392 of 2022 dated 03.03.2026 and the judgment and order passed by the learned Additional Chief Metropolitan Magistrate, N.I. Act Court No.27, Ahmedabad in Criminal Case

No.53 of 2015 dated 15.10.2022 shall stand suspended and the applicant shall be released on bail by executing a fresh bond of Rs.10,000/- (Rupees Ten Thousand Only) with one surety of the like amount to the satisfaction of the Trial Court, on the conditions

- (i) shall deposit 20% of the amount of cheque before his release;
- (ii) shall not take undue advantage of liberty or misuse liberty;
- (iii) shall furnish the present address of his residence to the Court concerned at the time of execution of the bond;
- (iv) shall maintain law and order;
- (v) shall not indulge in any activity leading to breach of public peace and tranquility;
- (vi) the applicant shall be released if not required in any other case.

7. Rule made absolute to the aforesaid extent. Direct service is permitted.

F.S. KAZI

(S. V. PINTO,J)