

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 1442 of 2026**

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PURSHOTTAMBHAI CHHINKUMAL CHIMNANI

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR ZUBIN BHARDA WITH MS. KITTY S MEHTA(7025) for the Applicant(s)

No. 1

MR PRANAV DHAGAT APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE GITA GOPI**Date : 07/05/2026****ORDER**

1. Learned Advocate Mr. Zubin Bharda along with learned Advocate Ms. Kitty Mehta submitted that there was an agreement of sale and allegation is that the power of attorney which was executed though was cancelled, the power of attorney holder executed the sale deed in his own favour and subsequently, sold the property and the son of the original land owner had filed an FIR.

1.1 Advocate Mr. Bharda submitted that it is not the case of any creation of any forged power of attorney. Hence, it could not be believed that there was any forged agreement of sale or any forged sale deed. Mr. Bharda submitted that the condition was of payment of Rs.10,75,000/- and out of that, Rs.2,75,000/- was paid and the rest of the amount was decided to paid within a stipulated period and on that ground,

a wagering condition was laid down of cancelling the power of attorney. Mr. Bharda submitted that it is a matter of fact which could not be considered as any original case of cheating from the very inception could not be said to have made out and submitted that the concurrent finding of the conviction and sentence, thus, becomes vulnerable and in the result, any conviction under other sections would become a debatable aspect on merits.

2. Countering the arguments, learned APP Mr. Pranav Dhagat stated that it is not a simple case of Section 406. The conviction is also under Section 465, 467, 468, 471 of the Indian Penal Code (for short, 'IPC') and thus stated that the evidence was analyzed and on that basis, conviction followed which was reaffirmed by the appellate Court. Hence, thus, stated that the applicant should be directed to undergo the sentence.

3. Having referred to the facts of the matter and the observations with regard to the said transaction and the power of attorney, the original execution of power of attorney has not been denied. Hence, the elements under Section 406 of the IPC of any initial intention of cheating would become an issue to be decided on merits.

4. Hence, **RULE**, making it returnable on 29.06.2026. Learned Additional Public Prosecutor waives service of notice of Rule on behalf of respondent-State. In the meantime, Record and Proceedings to be called for from the both the concerned Courts.

5. In view of the above, the order of sentence dated 30.08.2018 passed by the Trial Court in Criminal Case no.3964 of 2005 which was upheld and confirmed by order dated 13.04.2026 passed by the Appellate Court in Criminal Appeal no.107 of 2018 are suspended till disposal of the Revision and the **applicant is ordered to be released on bail forthwith** on executing a personal bond of Rs.10,000/- (Rupees ten thousand only) and a surety of like amount to the satisfaction of the Trial Court concerned and subject to the conditions that the applicant shall:-

[a] pursue the matter scrupulously as and when the same is listed;

[b] not take undue advantage of liberty or misuse liberty;

[c] not leave India without prior permission of the Court;

6. Direct service is permitted. Registry to communicate this order to the concerned Court/authority by Fax or Email forthwith.

(GITA GOPI,J)

PARMAR KRISH/SB16