

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -  
NEGOTIABLE INSTRUMENT ACT) NO. 1440 of 2026**

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MOSINKHAN BASIRKHAN PATHAN

Versus

STATE OF GUJARAT &amp; ANR.

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Appearance:

MR YASH K DAVE(10269) for the Applicant(s) No. 1

VISHAL K ANANDJIWALA(7798) for the Applicant(s) No. 1

HARDIK SONI APP for the Respondent(s) No. 1

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**CORAM:HONOURABLE MS. JUSTICE GITA GOPI****Date : 08/05/2026****ORDER**

1. **RULE.** Learned Additional Public Prosecutor waives service of notice of Rule on behalf of respondent-State.
2. By way of this application, the challenge is given to the concurrent findings of conviction and sentence passed under Section 138 of the Negotiable Instruments Act, 1881.
3. Learned advocate for the applicant submits that in compliance of the order, further 5% of the amount has been deposited and states that now 20% of the cheque amount has been deposited before the learned Court below. Learned advocate for the applicant also produces before this Court a copy of the receipt of the above

payment. It was, therefore, prayed that the present application may be allowed and the sentence qua the applicant herein may be suspended and the applicant be granted bail.

4. Learned Additional Public Prosecutor prayed that no discretion may be exercised in favour of the applicant.
5. Heard learned advocates appearing for the respective parties and perused the material on record. Taking into consideration the facts and circumstances of the case and when an amount has been deposited before the learned Appellate Court and when the Revision Application will take its own time to come for final hearing, the order of sentence requires consideration.
6. In view of the above, the order of sentence dated 09.08.2024 passed by the Trial Court in Criminal Case no.8410 of 2021, which was upheld and confirmed by order dated 02.05.2026 passed by the Appellate Court in Criminal Appeal no.468 of 2024 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;

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

PARMAR KRISH/SB5

**(GITA GOPI,J)**