

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 1472 of 2026**

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KISHORBHAI DHARMESHBHAI VAGHELA

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR VICKY B MEHTA(5422) for the Applicant(s) No. 1

MR HARDIK SONI, ADDITIONAL PUBLIC PROSECUTOR for the
Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE GITA GOPI**Date : 08/05/2026****ORAL 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 the **applicant is in jail**. It is further submitted that the applicant is ready and willing to deposit 20% of the cheque amount before the concerned Court, within a period of one week from his release. 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 the applicant is ready and willing to deposit 20% of the cheque amount before the concerned Court within a period of one week from his release 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 22.09.2025 passed by the learned Additional Judicial Magistrate First Class, Dholka, Ahmedabad in Criminal Case No.11 of 2022, which was upheld and confirmed by order dated 05.05.2026 passed by the learned Additional District and Sessions Judge, Ahmedabad (Rural) at Dholka in Criminal Appeal No.65 of 2026 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] **deposit 20% of the cheque amount with the concerned Court within a period of one week;**
 - [b] pursue the matter scrupulously as and when the same is listed;
 - [c] not take undue advantage of liberty or misuse liberty;
 - [d] not leave India without prior permission of the Court;
7. **It is made clear that in the event of non-deposit of 20% of the cheque amount by the applicant within a period of one WEEK, this order suspending the sentence of the applicant will be withdrawn and the bail would be cancelled.**
8. **Direct service is permitted. The applicant is in jail. Hence, Registry to communicate this order to the concerned Court/authority by Fax or Email FORTHWITH.**

Sd/-
(GITA GOPI, J)

CAROLINE

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: CAROLINE ANTHONISWAMY(HC00212), Principal pvt Secretary, at High Court of Gujarat on 08/05/2026 17:54:41