

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 1609 of 2026

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RUSHIKESH KHEMABHAI @ KHEMCHANDBHAI VYAS
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR Y J PATEL(3985) for the Applicant(s) No. 1
MR. K.M. ANTANI, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL

Date : 02/06/2026

ORAL ORDER

1. Learned advocate Mr. Deepak Sindhi states that he has instructions to appear on behalf of the respondent No. 2 herein – original complainant and shall file his Vakalatnama before the Registry. Registry to accept his Vakalatnama.
2. Heard, learned advocate for the applicant.
3. By way of present Criminal Revision Application, the applicant has assailed the concurrent findings of the learned Courts below *i.e.* judgment and order dated 26.05.2026 passed in Criminal Appeal No. 49 of 2024 by the learned Sessions Judge, Gandhinagar confirming the judgment and order dated 12.01.2024 passed in Criminal Case No. 4130 of 2016 by the learned 4th Additional Chief Judicial Magistrate, Gandhinagar, whereby, the applicant is convicted for the

offence under Section 138 of the Negotiable Instruments Act, 1881 (for short “NI Act”) and sentenced to imprisonment with fine and direction to pay compensation to the original complainant.

4. This revision application is filed mainly on the ground that both the Courts below have committed error in not appreciating the evidence as regards that the fact that there was no legally enforceable debt on the present applicant and applicant was having an arguable case. Even, keeping aside the aforesaid submissions, learned advocate for the applicant, under the instructions from the applicant, has stated that applicant is ready and willing to deposit **30%** of the cheque amount with the First Appellate Court and accordingly, it is urged that pending present revision application, sentence imposed upon the applicant may be suspended and the applicant may be enlarged on bail.

5. Considering the above, issue **Rule**, returnable on **02.07.2026**. Learned Additional Public Prosecutor waives service on behalf of respondent – State.

5.1 Subject to the applicant depositing **30% of the cheque amount within a period of four weeks** from the date of his actual release to be deposited before the First Appellate Court, the sentence imposed upon the applicant herein *vide* judgment and orders impugned in this revision application is suspended pending present revision application. The applicant

be released on bail by executing a personal bond of **Rs.10,000/-** (Rupees Ten Thousand) with one surety of the like amount to the satisfaction of the trial Court concerned, on the conditions that applicant:

- (a) shall not take undue advantage of liberty or misuse liberty;
- (b) shall not leave India without prior permission of this Court;
- (c) shall furnish the present address of his residence with documentary evidence to the Court concerned at the time of execution of the bond;
- (d) shall proceed with the Criminal Revision Application as and when listed and shall not prolong the hearing of the same.

6. Needless to observe that in case of non-deposit of the aforesaid amount, the interim protection of suspending the sentence of imprisonment shall stand automatically withdrawn without reference to this Court.

7. If any application for disbursement of the amount is preferred by the original complainant before the First Appellate Court, the First Appellate Court shall consider and decide the same in accordance with law.

8. **Direct service** is permitted.

MOHD SAIF ULLAH

(P. M. RAVAL, J)