

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 845 of 2025**

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ATMARAM MEGHJI MAHESHWARI
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR HARSHIT S BHATT(12874) for the Applicant(s) No. 1

MS JYOTI BHATT APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE L. S. PIRZADA

Date : 16/06/2025

ORAL ORDER

1. The present revision application has been preferred by the applicant - original accused under Section 438 read with Section 442 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (for short, the "BNSS").

2. Learned advocate Mr.H.S. Bhatt for the applicant submitted that the present revision application has been preferred against the judgment and order dated 09.09.2024 passed by the learned Additional Judicial Magistrate First Class, Mandvi - Kutch in Criminal Case No.887 of 2022, convicting the present applicant -

accused under Section 138 of the Negotiable Instruments Act and sentencing him to undergo 1 year's simple imprisonment and also ordered to pay the amount of cheque by way of compensation to the complainant. It is submitted that the said order of conviction was challenged by way of preferring Criminal Appeal No.128 of 2024 before the learned Sessions Judge, Kutch at Bhuj and by judgment dated 25.04.2025, the appeal of the applicant - accused has been dismissed and the order passed by the learned trial Court was confirmed. Further, it is submitted that the present applicant - accused is in judicial custody since 07.02.2025. It is submitted that looking to the judgment passed by the learned trial Courts, it also transpires that no document has been produced pertaining to the fact that the complainant has lent approximately Rs.24 lacs to the accused. The learned advocate further drawn the attention of this Court to the fact that from the evidence of the defense witness of the accused i.e. the bank officer, it transpires that from 01.01.2019 to 31.12.2020, the amount of almost Rs.9 lacs

to Rs.10 lacs has been transferred in the account of the original complainant. It is submitted that since the present applicant - accused is in judicial custody, the sentence imposed upon the applicant be suspended and the applicant be released on bail, pending the present revision application.

3. Considering the arguments advanced by the learned advocate for the applicant and from the record, it transpires that almost the amount of Rs.9 lacs to Rs.10 lacs has been transferred by the accused to the complainant. Hence, the sentence imposed upon the applicant - accused is required to be suspended.

4. In view of the above, issue Rule, making it returnable on 18.08.2025. The learned A.P.P. waives service of Rule for the respondent - State.

5. Interim relief in terms of paragraph 7(B) is granted till the next date of hearing.

6. The sentence imposed by the judgment and order dated 09.09.2024 passed by the learned Additional Judicial Magistrate First Class, Mandvi - Kutch in Criminal Case No.887 of 2022, convicting the present applicant - accused under Section 138 of the Negotiable Instruments Act and sentencing him to undergo 1 year's simple imprisonment and also ordered to pay the amount of cheque by way of compensation to the complainant and confirmed by judgment dated 25.04.2025 passed by the learned Sessions Judge, Kutch at Bhuj in Criminal Appeal No.128 of 2024, is hereby suspended till the final disposal of the present revision application and as the present applicant - accused is in judicial custody, the applicant be released on bail, if he is not required in any other proceedings, on the following terms and conditions:-

(1) The applicant - accused shall furnish personal bond of Rs.10,000/- as well as surety of the like amount before the learned trial Court.

(2) Not misuse the liberty granted to him by this Court;

(3) The applicant - accused shall also furnish the correct and permanent address with the documentary evidence before the learned trial Court.

(4) Not leave India without prior permission of this Court.

(5) The present applicant - accused shall deposit 30% of the cheque amount before the learned trial Court within a period of 10 weeks from the date of receipt of copy of this order before the learned trial Court.

Direct service is permitted.

(L. S. PIRZADA, J)

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