

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 910 of 2024**

With

**CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE) NO.
1 of 2024**

In

R/CRIMINAL REVISION APPLICATION NO. 910 of 2024

With

R/CRIMINAL REVISION APPLICATION NO. 911 of 2024

With

**CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE) NO.
1 of 2024**

In

R/CRIMINAL REVISION APPLICATION NO. 911 of 2024

With

R/CRIMINAL REVISION APPLICATION NO. 926 of 2024

With

**CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE) NO.
1 of 2024**

In

R/CRIMINAL REVISION APPLICATION NO. 926 of 2024

With

R/CRIMINAL REVISION APPLICATION NO. 930 of 2024

With

CRIMINAL MISC.APPLICATION (REGULAR BAIL) NO. 1 of 2024

In

R/CRIMINAL REVISION APPLICATION NO. 930 of 2024

With

R/CRIMINAL REVISION APPLICATION NO. 931 of 2024

With

**CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE) NO.
1 of 2024**

In

R/CRIMINAL REVISION APPLICATION NO. 931 of 2024

With

R/CRIMINAL REVISION APPLICATION NO. 932 of 2024

With

**CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE) NO.
1 of 2024**

In

R/CRIMINAL REVISION APPLICATION NO. 932 of 2024

With

R/CRIMINAL REVISION APPLICATION NO. 933 of 2024

With

CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE) NO.

1 of 2024
In
R/CRIMINAL REVISION APPLICATION NO. 933 of 2024
With
R/CRIMINAL REVISION APPLICATION NO. 934 of 2024
With
CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE) NO.
1 of 2024
In
R/CRIMINAL REVISION APPLICATION NO. 934 of 2024
With
R/CRIMINAL REVISION APPLICATION NO. 935 of 2024
With
CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE) NO.
1 of 2024
In
R/CRIMINAL REVISION APPLICATION NO. 935 of 2024
With
R/CRIMINAL REVISION APPLICATION NO. 936 of 2024
With
CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE) NO.
1 of 2024
In
R/CRIMINAL REVISION APPLICATION NO. 936 of 2024

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RUCHIRBHAI DIPAKBHAI POPAT
Versus
STATE OF GUJARAT & ANR.

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Appearance:

AADITYA D BHATT(8580) for the Applicant(s) No. 1
CHANDNI S JOSHI(9490) for the Applicant(s) No. 1
DIPEN SANKHESARA ADVOCATE for M/S.VYAS ASSOCIATES(1559) for
the Respondent(s) No. 2
MR DA SANKHESARA(5955) for the Respondent(s) No. 2
MS KRINA CALLA, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MS. JUSTICE GITA GOPI**

Date : 29/07/2024
COMMON ORAL ORDER

Order in Revision Applications

Rule. Learned APP waives service of notice of rule on behalf

of respondent State.

Order in Criminal Misc. Applications

1. **RULE.** Learned Additional Public Prosecutor waives service of notice of Rule on behalf of respondent-State. By consent, rule is fixed forthwith.
2. By way of these applications, the applicant - revisionist challenges the judgment of conviction and sentence dated 24.11.2023 passed by the learned 6th Additional Chief Metropolitan Magistrate, Jamnagar in Criminal Case Nos.8194 of 2018, 8122 of 2018, 8081 of 2018, 189 of 2019, 188 of 2019, under Section 138 of the Negotiable Instruments Act, 1881. The above sentence was challenged by way of an Appeal and the same was confirmed on 30.05.2024 by the learned Sessions Judge, Jamnagar in Criminal Appeal Nos.384 of 2023, 385 of 2023, 382 of 2023, 381 of 2023 and 383 of 2023.
3. Learned advocate Mr. Aaditya Bhatt has shown the receipts issued by the Nazir, where amount of Rs.1,00,000/- each deposited in Criminal Appeal Nos.383 of 2023, 384 of 2023 385 of 2023 and Rs.80,000/- each in Criminal Appeal Nos.381

of 2023 and 382 of 2023. Hence, in all total Rs.4,60,000/- has been deposited before the Nazir of the appellate Court.

4. Learned Senior Advocate Mr. Vyas, appearing for the complainant submitted that the delay in depositing the amount, has caused loss to the complainant and therefore has made a prayer for disbursement of the amount deposited by the accused.
5. Learned Additional Public Prosecutor prayed that no discretion may be exercised in favour of the applicant.
6. 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 amount of Rs.4,60,000/- 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.
7. In view of the above, the order of sentence dated 24.11.2023 passed by the learned 6th Additional Chief Metropolitan Magistrate, Jamnagar in Criminal Case Nos.8194 of 2018, 8122 of 2018, 8081 of 2018, 189 of 2019, 188 of 2019, which

came to be upheld and confirmed by order dated 30.05.2024 by the learned Sessions Judge, Jamnagar in Criminal Appeal Nos.384 of 2023, 385 of 2023, 382 of 2023, 381 of 2023 and 383 of 2023, are suspended till disposal of the Revision Applications on applicant's furnishing 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] surrender the passport, if any, before the Trial Court concerned within a week;
- [d] not leave India without prior permission of the Court;

Let the amount of Rs.4,60,000/- be paid to the complainant on verification of identity.

8. It is made clear to the complainant that in case of acquittal, in view of provision of section 148 of the N.I. Act, the complainant shall have to repay the amount so released with interest as per bank rate, as published by the Reserve Bank of India prevalent at the beginning of the relevant financial year.

9. All the present Criminal Misc. Applications are disposed of.

Office to keep copy of this order in each matter.

Direct service today is permitted.

(GITA GOPI,J)

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