

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 967 of 2024**

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AMIT RAJNIKANT JOSHI

Versus

RAJESH PARMANAND KHIANI & ANR.

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Appearance:

SANKUL K KABRA(9304) for the Applicant(s) No. 1

for the Respondent(s) No. 1

MS KRINA CALLA APP for the Respondent(s) No. 2

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CORAM:HONOURABLE MS. JUSTICE GITA GOPI

Date : 02/07/2024

ORAL ORDER

1. By way of this application, the applicant – revisionist challenges the judgment of conviction and sentence dated 14.08.2023 passed by the learned 4th Additional Judicial Magistrate, First Class, Gandhidham in Criminal Case No.1080 of 2018 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 29.06.2024 by the learned Additional Sessions Judge, Kachchh in Criminal Appeal No.40 of 2023.

2. Learned advocate for the applicant states that the revision has been raised against the concurrent finding of conviction and sentence. It is further submitted that Rs.1,00,000/- has been deposited before the appellate Court. A photo copy of the receipt of payment issued by the Nazir appellate Court is on record.

3. Taking into consideration the facts and circumstances of the case and when Rs.1,00,000/- has been deposited, and when the revision application will take its own time to come for final hearing, the order of sentence requires consideration. Hence, **Rule.**

4. The sentence imposed upon the applicant - revisionist vide judgment of conviction and sentence dated 14.08.2023 passed by the learned 4th Additional Judicial Magistrate, First Class,

Gandhidham in Criminal Case No.1080 of 2018, which was upheld and confirmed on 29.06.2024 by the learned Additional Sessions Judge, Kachchh in Criminal Appeal No.40 of 2023, shall remain suspended pending hearing and final disposal of the present Revision Application and the applicant-revisionist herein is ordered to be released on bail on executing a personal bond of Rs.10,000/- (Rupees Ten Thousand Only) with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that the applicant-revisionist shall;

- [a] pursue this Revision Application;
- [b] not take undue advantage of liberty or misuse liberty;
- [c] surrender passport, if any, to the lower court within a week;
- [d] not leave India without prior permission of this Court;

5. If breach of any of the above conditions is committed, the Sessions Judge concerned will be free to issue warrant or take appropriate action in the matter.

Direct service is permitted.

Pankaj

(GITA GOPI,J)