

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 1975 of 2026**

AJAYBHAI BHAIKAVBHAI LUHARIYA

Versus

STATE OF GUJARAT & ANR.

Appearance:

MR KAMLESH KACHHAVA(3013) for the Applicant(s) No. 1

MR SAMIR B BUNDELA(2722) for the Applicant(s) No. 1

MS.C.M.SHAH, APP for the Respondent(s) No. 1

CORAM:HONOURABLE MS. JUSTICE S.V. PINTO**Date : 13/07/2026
ORAL ORDER**

1] **NOTICE** returnable on **04-12-2026**. Learned Additional Public Prosecutor appears and waives service of notice on behalf of the respondent No. 1 – State.

2] By way of the present Criminal Revision Application filed under Sections 438 and 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant has challenged the judgment and order dated 13-10-2025 passed by the learned 3rd Additional Sessions Judge, Gandhinagar in Criminal Appeal No. 27 of 2022 confirming the judgment and order of conviction and sentence dated 24-02-2020 passed by the learned 6th Additional Chief Judicial Magistrate, Gandhinagar in Criminal Case No.1610 of

2017. The learned Trial Court convicted the applicant for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced him to undergo simple imprisonment for a period of one year and to pay fine of Rs.10,000/-, and in default of payment thereof, to undergo simple imprisonment for a further period of two months. By way of paragraph 6(C) of the present revision application, the applicant has prayed for suspension of the execution, operation and implementation of the impugned judgments and orders and for releasing him on bail during the pendency of the present revision application.

3] Heard learned advocate Mr. Kamlesh Kachhavah for the applicant and learned Additional Public Prosecutor Ms. C.M.Shah appearing for the respondent-State.

4] Learned advocate for the applicant submits that Criminal Appeal No. 27 of 2022 came to be dismissed by the learned Sessions Court, Gandhinagar, vide judgment and order dated 13-10-2025, pursuant to which the applicant was arrested on 24-04-2026 in execution of the warrant issued by the Appellate Court. It is submitted that during the pendency of the appeal, the applicant had deposited 20% of the cheque amount before the

learned Sessions Court, Gandhinagar, which was allowed to be withdrawn by the complainant by the order dated 13-10-2025. Learned advocate further submits that the applicant is ready and willing to deposit a further amount equivalent to 20% of the cheque amount before her release. It is further submitted that the present Criminal Revision Application is not likely to be heard in the near future and its final adjudication is likely to take considerable time. Therefore, no useful purpose would be served by keeping the applicant incarcerated during the pendency of the revision application. It is submitted that the applicant has a strong prima facie case on merits and, therefore, the execution, operation and implementation of the impugned judgments and orders deserve to be suspended pending the final disposal of the revision application and the applicant may be enlarged on regular bail on such terms and conditions as this Court may deem fit and proper. Accordingly, it is prayed that the relief sought in paragraph 6(C) of the revision application be granted.

5] Learned Additional Public Prosecutor appearing for the respondent-State has submitted that necessary orders may be passed.

6] Considering the fact that the conviction is a fixed sentence and there is no likelihood of the revision application being heard in the near future and a prima facie case is made out in favour of the present applicant, the prayer qua Para – 6 (C) is allowed. The execution of impugned order dated 13-10-2025 passed by the learned 3rd Additional Sessions Judge, Gandhinagar in Criminal Appeal No. 27 of 2022 confirming the judgment and order of conviction and sentence dated 24-02-2020 passed by the learned 6th Additional Chief Judicial Magistrate, Gandhinagar in Criminal Case No.1610 of 2017 is suspended during pendency of the present Criminal Revision Application and the applicant is ordered to be released on regular bail on furnishing personal bond of Rs.10,000/- (Rupees Ten Thousand Only) with surety of the like amount to the satisfaction of the trial court and on the following conditions:

i) shall deposit 20% of the cheque amount before his release before the learned Trial Court;

(ii) shall not take undue advantage of the liberty granted or misuse such liberty;

(iii) shall not leave India without the prior permission of this Court;

(iv) shall furnish the address of his present place of residence to

the Court concerned at the time of execution of the bond and shall not change the same without the prior permission of this Court;

(v) shall maintain law and order and shall cooperate with the proceedings, if required;

(vi) shall not indulge in any activity which may result in breach of public peace and tranquility;

(vii) shall be released forthwith, if her custody is not required in connection with any other case.

Direct service is permitted.

VISHAL MISHRA

(S. V. PINTO,J)