

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 967 of 2025**

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PIYUSHBHAI RAMESHCHANDRA JOBANPUTRA

Versus

JITENDRABHAI DHANJIBHAI MASANI & ANR.

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Appearance:

A S TIMBALIA(7372) for the Applicant(s) No. 1

MS. JYOTI BHATT APP for the Respondent(s) No. 2

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CORAM:HONOURABLE MR.JUSTICE L. S. PIRZADA**Date : 04/07/2025****ORAL ORDER**

1. Heard learned advocate Mr.A S. Timbalia for the applicant. It is submitted that the present applicant-accused has been convicted by the learned trial Court for the offense punishable under Section 138 of the Negotiable Instruments Act and same was challenged by preferring appeal before the learned Sessions Court. The learned Sessions Court has also dismissed the appeal and confirming the judgment of the learned trial Court convicting the present applicant-accused and present revision application has been preferred. Further submitted that the cheque amount is of Rs.3,00,000/- out of which Rs.50,000/- has been deposited before the learned trial Court and 20% more amount has been deposited of

Rs.2,50,000/- before the learned Sessions Court and the present applicant is ready and willing to deposit further amount as directed by this Court in reasonable time. Hence, the sentence is required to be suspended and pending revision application.

2. Considering the arguments advance by the learned advocate for the applicant. Perusing the judgment passed by the learned trial Court and the Appellate Court, the present applicant has good case on merits, hence considering this pending revision application and the sentence is required to be suspended till the final disposal of the revision application.

3. Issue the Rule, returnable on 01.09.2025. Learned APP waives Rule on behalf of the respondent – State.

4. Interim relief, in terms of Paragraph 5 B is granted.

5. The sentence imposed by the learned Additional Chief Judicial Magistrate, Veraval in Criminal Case No.1284/2019 and judgment and order dated 08.07.2024, convicting the present applicant-accused under Section 138 of the Negotiable Instruments Act and sentencing him to two years of simple imprisonment and also directed to pay Rs.2,50,000/- by way of compensation to the complainant and judgment passed by the

learned Sessions Judge, Veraval, Gir Somnath in Criminal Appeal No.98/2024 by judgment dated 26.05.2025 dismissing the appeal and the learned 5th District and Sessions Judge, Veraval dismissing the appeal and confirming the judgment of the learned trial Court convicting the present applicant-accused, is hereby, suspended till the final disposal of this revision application. The present applicant-accused has to furnish personal bond of Rs.10,000/- and surety of like amount before the learned trial Court on the following terms and conditions:-

- (a) Not to misuse the liberty given by this Court.
- (b) Furnishing address with documentary proof before the learned trial Court.
- (c) Not to leave India without prior permission of this Court.
- (d) The present applicant-accused has to deposit Rs.50,000/- before the learned trial Court within three weeks from the date of passing this order.

Direct service permitted.

(L. S. PIRZADA, J)

HRT