

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 916 of 2023**

With

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

In

R/CRIMINAL REVISION APPLICATION NO. 916 of 2023

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LADURAM DEVNARAYAN SAVALIYA

Versus

STATE OF GUJARAT & ANR.

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Appearance:

PRATEEK S BHATIA(8629) for the Applicant(s) No. 1

MR JITENDRA H SINGH(3199) for the Respondent(s) No. 2

MR HARDIK MEHTA, ADDITIONAL PUBLIC PROSECUTOR for the
Respondent(s) No. 1

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CORAM: HONOURABLE MS. JUSTICE GITA GOPI

Date : 14/06/2024

ORAL ORDER

ORDER IN CRIMINAL REVISION APPLICATION

RULE. Learned Additional Public Prosecutor waives
service of notice of Rule on behalf of respondent – State.

Sd/-

(GITA GOPI, J)

ORDER IN CRIMINAL MISCELLANEOUS APPLICATION

1. RULE. Learned Additional Public Prosecutor waives
service of notice of Rule on behalf of respondent –
State.

2. By way of this Application, the challenge is given to the concurrent findings of conviction and sentence passed under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to in short as 'the N.I. Act').
3. Learned Advocate for the applicant-revisionist submits that 20% of the cheque amount has already been deposited. Learned Advocate for the applicant also produces before this Court a copy of the receipt of the above payment. It was, therefore, prayed that the present application may be allowed and the sentence qua the applicant herein may be suspended and the applicant be granted bail.
4. Learned Advocate for the complainant affirms about the fact of the payment of the above amount.
5. Learned Additional Public Prosecutor prayed that no discretion may be exercised in favour of the applicant.

6. Heard learned Advocates on both the sides and perused the material on record. Taking into consideration the facts and circumstances of the case and when 20% of the cheque amount has been deposited before the Appellate Court and when the revision application will take its own time to come for final hearing, the order of sentence requires consideration.
7. Hence, the sentence imposed upon the applicant-revisionist vide judgment of conviction and sentence dated 07.10.2021 by the learned Additional Chief Judicial Magistrate, Rajpipla passed in Criminal Case No.40 of 2019, which was upheld and confirmed on 27.06.2023 by the learned Sessions Judge, Rajpipla, District Narmada in Criminal Appeal No.10 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;

8. Rule is made absolute. Registry to communicate this order to the concerned Court/authority by Fax or Email forthwith. **Direct service is permitted TODAY.**

9. At this stage, it is submitted that since the imprisonment is for more than five years, the accused has been shifted from Rajpipla Jail to Vadodara Jail. Hence, in this matter, the yadi be sent to the Vadodara Jail.

Sd/-

(GITA GOPI, J)

CAROLINE