

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 1822 of 2026**

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ASHWINBHAI RAMANBHAI MACHHI
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR. ASHCHARYA H SANGHAVI(16402) for the Applicant(s) No. 1

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

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CORAM:HONOURABLE MS. JUSTICE S.V. PINTO

Date : 03/07/2026

ORAL ORDER

1. Notice, returnable on 21.07.2026. Learned APP waives service of notice for the respondent-State.
2. By way of the present application, the applicant - accused has prayed to quash and set aside the judgement and order of conviction passed by the learned 11th Additional Sessions Judge, Vadodara in Criminal Appeal No. 46 of 2023 dated 17.01.2026 confirming the judgement and order passed by the learned 21st Additional Senior Civil Judge & Additional Chief Judicial Magistrate, Vadodara, in Criminal Case No. 3880 of 2016 dated 31.12.2022 and has prayed in Para-7(d) to suspend the order of execution of sentence during pendency of the present Revision Application, whereby, the present

applicant - accused was sentenced to simple imprisonment for one year and fine of Rs. 22,27,567/- to the respondent No.2 as compensation, and in default, imprisonment for six months for the offence under Section 138 of the Negotiable Instruments Act, 1881.

3. Heard learned advocate Mr. Mehul Sharma for learned advocate Mr. Ashcharya H. Sanghvi for the applicant and learned APP Ms. C.M. Shah for the respondent State.

4. Learned advocate Mr. Mehul Sharma for the applicant submits that the applicant was convicted by the learned 21st Additional Senior Civil Judge & Additional Chief Judicial Magistrate, Vadodara by a judgment and order dated 31.12.2022, and had filed Criminal Appeal No.46 of 2023 before the Sessions Court, Vadodara and by a judgment and order dated 17.01.2026, learned 11th Additional Sessions Judge, Vadodara was pleased to dismiss the appeal of the appellant. The appellant has been taken into custody and at present undergoing sentence but the applicant has settled the matter with the respondent No.2 and the entire dispute has been amicably settled between them. The respondent No.2 has also issued a letter dated 11.06.2026 which is stating that

there are no claims against the applicant. In view of the settlement, as the dispute has been amicably settled, learned advocate urges this Court to grant relief as prayed for in Para-7(d) may be allowed.

5. Learned APP Ms. C.M. Shah for the respondent State has objected to grant of the present application.

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-7(d) is allowed. The order of execution of sentence passed by the learned 11th Additional Sessions Judge, Vadodara in Criminal Appeal No. 46 of 2023 dated 17.01.2026, confirming the judgement and order passed by the learned 21st Additional Senior Civil Judge & Additional Chief Judicial Magistrate, Vadodara, in Criminal Case No. 3880 of 2016 dated 31.12.2022, is suspended during pendency of the Criminal Revision Application and the applicant is ordered to be released on bail on furnishing personal bond of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with surety of the like amount to the satisfaction of the Trial Court and on

the following conditions;

- (i) shall not take undue advantage of liberty or misuse liberty;
- (ii) shall furnish the present address of his residence to the Court concerned at the time of execution of the bond;
- (iii) shall maintain law and order;
- (iv) shall not indulge in any activity leading to breach of public peace and tranquility;
- (v) the applicant shall be released if not required in any other case.

7. Direct service is permitted.

8. List the matter on 21.07.2026.

ROHAN SONI

(S. V. PINTO,J)