

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 2010 of 2026**

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SHANTILAL BHIKHABHAI RABARI
Versus
STATE OF GUJARAT & ANR.

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Appearance:
MR NAYAN L GUPTA(11798) for the Applicant(s) No. 1
MS. KRUTIK PARIKH, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE S.V. PINTO

Date : 14/07/2026

ORAL ORDER

1. Notice, returnable on 07.12.2026. 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 4th Additional Sessions Judge, Vadodara in Criminal Appeal No. 588/2024 dated 12.03.2026 confirming the judgement and order passed by the learned 11th Additional Chief Judicial Magistrate, Vadodara in Criminal Case No. 17198/2022 dated 10.05.2024 and suspend the execution of sentence during pendency of the present Revision Application, whereby, the present applicant - accused was sentenced to

six months simple imprisonment and fine of Rs. 2,56,842/- and in default, one and half months simple imprisonment for the offence under Section 138 of the Negotiable Instruments Act, 1881.

3. Heard learned advocate Mr. Nayan Gupta appearing online for the applicant and learned APP Mr. Krutik Parikh for the respondent State.

4. Learned advocate Mr. Nayan Gupta submits that the applicant had taken a loan from the Gujarat State Cooperative Agriculture and Rural Development Bank Ltd., Vadodara Branch and towards the settlement of the loan amount, a cheque for Rs. 2,56,842/- was issued which had returned unpaid and the bank through the District Manager had filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 before the Court of Chief Judicial Magistrate, Vadodara which came to be registered as Criminal Case No. 17198/2022. At the end of the trial, the learned 11th Additional Chief Judicial Magistrate, Vadodara was pleased to convict the applicant for the offence under

Section 138 of the Negotiable Instruments Act, 1881 and sentence the applicant to undergo simple imprisonment of six months and ordered the applicant to pay the amount of Rs. 2,56,842/- as compensation and fine of Rs. 10,000/- and in default, simple imprisonment for one and half months. Being aggrieved and dissatisfied with the same, the applicant had filed Criminal Appeal before the Sessions Court, Vadodara and during the pendency of the appeal, as per the order of the learned 3rd Additional Sessions Judge, Vadodara, an amount of Rs. 54,000/- was deposited by the applicant before the Sessions Court, Vadodara on 11.09.2025. The Sessions Court, Vadodara was pleased to reject the appeal preferred by the applicant by an order dated 12.03.2026 and the applicant has been taken in custody and is undergoing sentence at Central Jail, Vadodara. Learned advocate submits that the applicant has deposited an amount of Rs. 1,00,000/- vide receipt no. 415838 on 10.06.2026 and an amount of Rs. 96,001/- vide receipt no. 415836 dated 10.06.2026 in his loan account no. 23 with the Gujarat State Cooperative Agriculture and

Rural Development Bank Ltd., Vadodara Branch and has produced the copies of the receipts which are taken on record. Learned advocate further submits that the applicant is ready and willing to settle the matter and at present minimum amount is pending; as more than Rs. 2,00,000/- amount has been deposited. Learned advocate submits that the applicant is in custody and hence, has urged this Court to grant the prayer as prayed for in para 25(C).

5. 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 application, the present application qua para 25(C) is allowed. The order of execution of sentence passed by the learned 4th Additional Sessions Judge, Vadodara in Criminal Appeal No. 588/2024 dated 12.03.2026 confirming the judgement and order passed by the learned 11th Additional Chief Judicial Magistrate, Vadodara in Criminal Case No. 17198/2022 dated 10.05.2024 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. 10,000/- (Rupees Ten Thousand Only) with surety of the like amount to the satisfaction of the Trial Court and on the following conditions that the applicant;

- (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.

6. List the matter on 07.12.2026. Direct service is permitted.

VASIM S. SAIYED

(S. V. PINTO,J)