

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 1979 of 2026**

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SOLANKI BALVANTKUMAR LAXMANJI

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR DINESHCHANDRA K CHAUHAN(12830) for the Applicant(s) No. 1

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

MR KRUTIK A PARIKH, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MS. JUSTICE S.V. PINTO**

Date : 13/07/2026

ORAL ORDER

1. Notice, returnable on 11.12.2026. 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 2nd Additional Sessions Judge, Gandhinagar in Criminal Appeal No. 306 of 2024 dated 30.09.2024 confirming the judgement and order passed by the learned 2nd Additional Chief Judicial Magistrate, Gandhinagar, in Criminal Case No. 9623 of 2019 dated 29.08.2024 and has prayed in Para-15(C) 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 six months and to pay the cheque amount as compensation to the complainant within 30 days from the date of the order, simple imprisonment for two months for the offence under Section 138 of the Negotiable Instruments Act, 1881.

3. Heard learned advocate Mr. Prateek S. Bhatia for the applicant and learned APP Mr. Krutik A. Parikh for the respondent State.

4. Learned advocate Mr. Prateek S. Bhatia for the applicant submits that the applicant was convicted by the learned 2nd Additional Chief Judicial Magistrate, Gandhinagar by a judgment and order dated 29.08.2024, and had filed Criminal Appeal No.306 of 2024 before the Sessions Court, Gandhinagar. Learned advocate further submits that the applicant was arrested and sent into custody on 30.04.2026; the applicant during the pendency of the appeal has not deposited any amount before the learned Sessions Court, however, at present, is ready and willing to deposit 40% of the amount of cheque before the learned Trial Court before his release. The applicant has a good case on merits and the prayer as prayed for in Para-15(C) may be allowed.

5. Learned APP Mr. Krutik A. Parikh 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-15(C) is allowed. The order of execution of sentence passed by the learned 2nd Additional Sessions Judge, Gandhinagar in Criminal Appeal No. 306 of 2024 dated 30.09.2024, confirming the judgement and order passed by the learned 2nd Additional Chief Judicial Magistrate, Gandhinagar, in Criminal Case No. 9623 of 2019 dated 29.08.2024, 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. 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 pay 40% of the amount of cheque before his release;
- (ii) shall file an affidavit cum undertaking that he will deposit the 40% of the amount of cheque as ordered by

this Court before his release;

(iii) shall not take undue advantage of liberty or misuse liberty;

(iv) shall furnish the present address of his residence to the Court concerned at the time of execution of the bond;

(v) shall maintain law and order;

(vi) shall not indulge in any activity leading to breach of public peace and tranquility;

(vii) the applicant shall be released if not required in any other case.

7. List the matter on 11.12.2026.

ROHAN SONI

(S. V. PINTO,J)