

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 1848 of 2026**

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VIKRAMSINH BACHUBHA ZALA

Versus

STATE OF GUJARAT & ANR.

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Appearance:

DEVANSH KAKKAD, ADVOCATE for SAJID Y KARIYANIYA(9619) for the

Applicant(s) No. 1

MS CM 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 **30.11.2026**. 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 judgment and order of conviction passed by the learned Sessions Judge, Surendranagar in Criminal Appeal No. 85 of 2025 dated 15.06.2026 confirming the judgment and order passed by the learned Chief Judicial Magistrate, Surendranagar in Criminal Case No. 580 of 2021 dated 01.04.2025 and in Para-10(D), has prayed to suspend the order of execution of sentence during pendency of the present Revision Application and in Para-10(E) to release the applicant on regular bail, whereby, the present applicant - accused was sentenced simple imprisonment for one

year and to pay the amount of cheque to the complainant as compensation within 30 day for the offence under Section 138 of the N.I.Act.

3. Heard learned advocate Mr. Devansha Kakkad for learned advocate Sajid Kariyaniya for the applicant and learned APP Ms.C.M. Shah for the respondent State.

4. Learned advocate Mr. Devansh Kakkad for the applicant submits that applicant is in jail since 15.06.2026 undergoing his sentence pursuant to the judgment and order passed by the Sessions Court, Surendranagar confirming the judgment and order passed by the learned Chief Judicial Magistrate, Surendranagar and the applicant was taken into judicial custody. Learned advocate for the applicant further submits that during pendency of criminal appeal before the Sessions Court, the applicant had deposited Rs.2,09,000/- vide receipt No.7203567 dated 10.07.2025 and Rs.70,000/- vide receipt No.7203911 dated 18.08.2025 and in this manner, the applicant had deposited 20% of the cheque amount before the learned Trial Court and the applicant is ready and willing to deposit further 20% amount of the cheque before his release. Learned advocate further submits that the sentence is for a fixed period of one year and the present appeal is not likely to be heard in near future and hearing of the same would take a long time and hence, no purpose would be served by keeping the applicant in jail for indefinite period with the hardened criminals. The applicant has a good case on merits and the

prayer as prayed for in Para-10(D) and 10(E) may be allowed.

5. Learned APP Ms. C.M.Shah for the respondent State has objected to grant of the present application, however, submits that appropriate order may be passed.

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 and the applicant had deposited 20% amount before the learned Trial Court pending the criminal appeal and is ready and willing to deposit further 20% amount of cheque before his release, the prayer qua Para-10(D) and 10(E) is allowed. The order of execution of sentence passed by the learned Sessions Judge, Surendranagar in Criminal Appeal No. 85 of 2025 confirming the judgment and order passed by the learned Chief Judicial Magistrate, Surendranagar in Criminal Case No. 580 of 2021 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.
- (vi) shall deposit 20% cheque amount before his release.

7. Direct service is permitted.

F.S. KAZI

(S. V. PINTO,J)