

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC. APPLICATION (FOR QUASHING & SET
ASIDE FIR/ORDER) NO. 14619 of 2026**

With

R/CRIMINAL MISC. APPLICATION NO. 14624 of 2026

With

R/CRIMINAL MISC. APPLICATION NO. 14739 of 2026

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UDAYBHAI GOVINDBHAI CHHAASIYA

Versus

STATE OF GUJARAT & ANR.
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Appearance:

MR NK MAJMUDAR(430) for the Applicant(s) No. 1

MR. ROHAN N MAJMUDAR(14000) for the Applicant(s) No. 1

MR ROHAN SHAH, APP for the Respondent(s) No. 1
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CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL

Date : 14/07/2026

ORAL ORDER

1. These applications are filed praying to set aside the Non-bailable Warrant issued by the learned Court concerned, alternatively to convert the same into the Bailable Warrant, in the respective criminal cases.

2. Heard, learned advocate for the applicant and perused the papers.

3. It transpires from the record that on 07.07.2026 and 09.07.2026, respectively, when the matters were lastly listed, it was stated by the learned advocate for the applicant that, to show his *bona fide*, the applicant is ready and willing to deposit 20% of the cheque amount before the First Appellate Court within a period of one week from that day and accordingly, the matters were adjourned to today. Further, the personal presence of the applicant, at the time of depositing the said amount, was also disposed with by the said orders. However, today, when the matters are taken up, the learned advocate for the applicant stated that the applicant is unable to deposit the, amount, as aforesaid.

4. In the aforesaid facts and circumstances of the case, when the applicant is already convicted after full-fledged trial in the respective criminal cases and when, the applicant is unable to comply the orders of this Court and could not deposit even 20% of the amount, as aforesaid, the prayer sought for by the applicant in the present applications cannot be granted.

4.1 In *Lallan Singh v. State of Uttar Pradesh, 2014 (0) AIJEL-SC 57591*, the Apex Court held that, *"upon conviction of an accused and sentence of imprisonment awarded to him, the Court concerned is expected to commit him to jail in terms of a warrant that would authorise his confinement for the period he is to undergo such imprisonment. This procedure is not followed invariably in all such cases where the convict is not present before the court concerned and is required to be committed to*

imprisonment for undergoing the sentence. Process of issuing warrant to apprehend the convict is followed diligently in keeping with the spirit underlying S. 418 of the Cr.P.C. Difficulty arises when the warrants so issued by Court concerned remain unexecuted".

4.2 The contention with regard to convert the non-bailable warrant into bailable warrant is concerned, after conviction all bail bond during the pendency of the Criminal Case being forfeited and once accused is convicted and warrant is issued, then provisions of Section 418 of CrPC would come into force and once sentence is recorded only remedy is available to prefer statutory appeal and governed the powers under Section 389 of the CrPC.

5. In view of the above, these applications require to be rejected and are, accordingly, rejected.

[P. M. Raval, J.]

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