

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 1838 of 2026**

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VIJAYBHAI GOVINDBHAI RATHOD
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR BRIJESH WADHAVANA(3548) for the Applicant(s) No. 1

MR. NISARG D SHAH(7299) 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 : 02/07/2026**ORAL ORDER**

1. Notice, returnable on 27.10.2026. 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 Sessions Judge, Bhavnagar in Criminal Appeal No. 39/2026 dated 17.06.2026 confirming the judgement and order passed by the learned 2nd Additional Chief Judicial Magistrate, Bhavnagar in Criminal Case No. 11670/2023 dated 09.01.2026 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. 1,00,000/- and in default, one month simple imprisonment for the offence under Sections 138 of the Negotiable Instruments Act, 1881.

3. Heard learned advocate Mr. Nilay Thakor for learned advocate Mr. Nisarg Shah for the applicant and learned APP Ms. C.M. Shah for the respondent State.

4. Learned advocate Mr. Nilay Thakor for the applicant submits that the applicant is in custody since, 17.06.2026 i.e. the date of which the Criminal Appeal No. 39/2026 filed by the applicant was rejected by the Sessions Court, Jamnagar. Learned advocate submits that during the pendency of the appeal, the applicant had deposited 20% of the cheque amount i.e. Rs. 20,000/- before the Chief Judicial Magistrate, Court vide receipt no. 2739957 on 05.03.2026 and the applicant is ready and willing to deposit another 20% of the cheque amount i.e. Rs. 20,000/- within a period of 8 weeks from the date of his release.

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 having regard to the submissions advanced on behalf of the applicant, this Court is of the prima facie view that the applicant has made out a case for suspension of sentence. Accordingly, the present application qua para 9(C) is allowed. The order of execution of sentence passed by the learned Sessions Judge, Bhavnagar in Criminal Appeal No. 39/2026 dated 17.06.2026 confirming the judgement and order passed by the learned 2nd Additional Chief Judicial Magistrate, Bhavnagar in Criminal Case No. 11670/2023 dated 09.01.2026 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) shall deposit an amount of Rs. 20,000/- being 20% of the cheque amount within a period of eight weeks from the date of his release;

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

(vii) It is clarified that if the applicant does not pay the amount of Rs. 20,000/- within eight weeks from the date of his release, the learned Trial Court shall issue warrant for execution of sentence.

6. Direct service is permitted.

7. List the matter on 27.10.2026.

VASIM S. SAIYED

(S. V. PINTO,J)