

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 2068 of 2026**

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MIRAL KANAKSIN THAKOR

Versus

MARWADI SHARES AND FINANCE LTD THROUG KETANKUMAR
KAMLESHBHAI NAYAK & ANR.

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Appearance:

MR BHOOMIRAJ SINGH P MAHIDA(11960) for the Applicant(s) No. 1

MR SHRIRAJ D SHAH(10475) for the Applicant(s) No. 1

MS. C.M. SHAH, APP for the Respondent(s) No. 2

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CORAM:HONOURABLE MS. JUSTICE S.V. PINTO

Date : 17/07/2026

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 Sessions Judge, Rajkot in Criminal Appeal No. 813 of 2024 dated 20.04.2026 confirming the judgement and order passed by the learned 12th Chief Judicial Magistrate, Rajkot, in Criminal Case No. 8736 of 2015 dated 05.10.2024 and has prayed in Para-7(C) and Para-7(D) 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 one year and to pay Rs. 16,23,749.10/-, and in default, simple imprisonment for six months for the offence under Section 138 of the Negotiable Instruments Act, 1881.

3. Heard learned advocate Mr. Shriraj D. Shah for the applicant and learned APP Ms. C.M. Shah for the respondent State.

4. Learned advocate Mr. Shriraj D. Shah for the applicant submits that the applicant was convicted by the learned 12th Chief Judicial Magistrate, Rajkot by a judgment and order dated 05.10.2024, and had filed Criminal Appeal No. 813 of 2024 before the Sessions Court, Rajkot. At the time of filing before the Sessions Court, Rajkot, the applicant had deposited 20% of the amount of cheque before the Sessions Court, Rajkot i.e. Rs.3,24,750/- vide receipt No.2296673 dated 09.01.2025, receipt No.2296758 dated 30.01.2025 and receipt No.2296939 dated 15.03.2025. Learned advocate further submits that the applicant is undergoing the sentence since 13.07.2026 and is ready and willing to pay 10% of the amount of cheque before his release and further 10% of the amount

of cheque within a period of six weeks from his release before the learned Trial Court. The applicant has a good case on merits and the prayer as prayed for in Para-7(C) and Para-7(D) may be allowed.

5. Learned APP Ms. C.M. Shah for the respondent No.1 - 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-7(C) and Para-7(D) is allowed. The order of execution of sentence passed by the learned Sessions Judge, Rajkot in Criminal Appeal No. 813 of 2024 dated 20.04.2026 confirming the judgement and order passed by the learned 12th Chief Judicial Magistrate, Rajkot, in Criminal Case No. 8736 of 2015 dated 05.10.2024, 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 10% of the amount of cheque before his release and further 10% of the amount of cheque within a period of six weeks from his release;
 - (ii) shall file an affidavit cum undertaking at the time of his release, that he will deposit 10% of the amount of cheque before his release and further 10% of the amount of cheque within a period of six weeks from his release as ordered by this Court;
 - (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. Direct service is permitted.
8. List the matter on 11.12.2026.