

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 1128 of 2024**

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SHIVAM ASSOCIATES THRO SUTHAR (MEWADA) MUKESHBHAI
VITTHALBHAI & ANR.

Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR.ALOK M THAKKAR(6510) for the Applicant(s) No. 1,2
MR NIRAJ SHARMA APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE L. S. PIRZADA

Date : 08/09/2025

ORAL ORDER

1. The present revision application has been preferred by the applicant - original accused under Section 438 read with Section 442 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (for short, the "BNSS").

2. Learned advocate for the applicant submitted that the present applicant - accused has been convicted by the learned trial Court under Section 138 of the Negotiable Instruments Act and the same was challenged by way of preferring the appeal before the Sessions Court, which came to be dismissed and the judgment of the learned

trial Court came to be confirmed. It is submitted that the present applicant - accused has deposited 20% of the compensation amount before the learned trial Court and are ready and willing to deposit further 30% amount as directed by this Court and, therefore, the sentence imposed upon the applicant - accused is required to be suspended pending the present revision application.

3. Considering the arguments advanced by the learned advocate for the applicant - accused, perusing the judgments passed by both the learned trial Courts and considering that this is a case of short sentence and hearing of the present application may take long time, the sentence imposed upon the applicant - accused is required to be suspended.

4. In view of the above, issue Rule, making it returnable on 21.11.2025. The learned A.P.P. waives service of Rule for the respondent - State.

5. Interim relief in terms of paragraph 7(C) is granted.

6. The sentence imposed upon the applicant – accused by judgment and order dated 15.04.2022 passed by the learned 3rd Additional Chief Judicial Magistrate, Patan in Criminal Case No.2352 of 2016, convicting the applicant – accused under Section 138 of the Negotiable Instruments Act and sentencing to undergo 1 year's simple imprisonment and confirmed in Criminal Appeal No.25 of 2022 by the learned 3rd Additional Sessions Judge, Patan by order dated 21.05.2024, is hereby suspended till final disposal of the present revision application, on the following terms and conditions:-

- (1) The applicant – accused shall furnish personal bond of Rs.10,000/- as well as surety of the like amount before the learned trial Court.
- (2) Not misuse the liberty granted to him by this Court;
- (3) The applicant – accused shall also furnish the correct and permanent address with the documentary evidence before the learned trial Court.

(4) Not leave India without prior permission of this Court.

(5) The present applicant - accused shall deposit 20% of the compensation amount before the learned trial Court within a period of 4 weeks from the date of receipt of copy of this order and another 10% of the amount within two weeks thereafter.

Direct service is permitted.

Hitesh

(L. S. PIRZADA, J)