

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 2037 of 2026**

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SAGAR RAMESHBHAI DAHYABHAI

Versus

PATEL KARSHANBHAI BHIKHABHAI & ANR.

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Appearance:

MR VISHVAJITSINH D CHAUHAN(10160) for the Applicant(s) No. 1

MR.KISHAN PRAJAPATI(7074) for the Applicant(s) No. 1

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

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CORAM:HONOURABLE MS. JUSTICE S.V. PINTO

Date : 16/07/2026

ORAL ORDER

1. Notice returnable on **26.12.2026**. 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 judgment and order dated 10.12.2025 passed by learned 3rd Additional Sessions Judge, Sabarkantha at Idar in Criminal Appeal No. 86 of 2024 confirming the judgment and order passed by the learned Judicial Magistrate, First Class, Vadali in Criminal Case No.600 of 2023 dated 24.04.2025 and has prayed in Para-8(c) to suspend the order of execution of sentence during pendency of

the present Revision Application, whereby, the present applicant is convicted for the offence under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo simple imprisonment for a period of one year and six months and fine of Rs.1,25,000/- and, in default, simple imprisonment of four months.

3. Heard learned advocate Mr.Kishan Prajapati for the applicant and learned APP Mr.Krutik Parikh for the respondent State.

4. Learned advocate Mr.Kishan Prajapati for the applicant submits that the applicant was convicted by the learned Trial Court. Thereafter, the applicant had filed Criminal Appeal No.86 of 2024 before the Sessions Court, Sabarkanth at Idar. Learned advocate submits that the judgment and order passed by the learned Trial Court came to be confirmed and, thereafter, the warrant came to be issued by the learned Trial Court and was arrested and is sent into custody and is in jail. Learned advocate further submits that pending the appeal, the applicant has not paid any amount and now he is ready and

willing to deposit 40% of the amount of cheque i.e. Rs.50,000/- before the learned Trial Court before his release. The applicant has a good case on merits and the prayer as prayed for in Para-8(C) 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 considered the fact that the applicant is ready and willing to deposit 40% amount of cheque before his release and as the offence is bailable and compoundable under Section 147 of the Negotiable Instruments Act, 1881, pending the hearing and final disposal of the present criminal revision application, execution of sentence passed in the impugned judgment and order passed by the learned Judicial Magistrate, First Class, Vadali in Criminal Case No.600 of 2023 dated 24.04.2025 as well as the execution of sentence passed in the judgment and order dated 10.12.2025 passed by learned 3rd Additional Sessions Judge, Sabarkantha at Idar in

Criminal Appeal No. 86 of 2024 shall stand suspended and the applicant shall be released on bail by executing a fresh bond of Rs.10,000/- (Rupees Ten Thousand Only) with one surety of the like amount to the satisfaction of the Trial Court, on the conditions:

- (i) shall deposit 40% of the amount of cheque i.e.Rs.50,000/- before his release ;
- (ii) shall not take undue advantage of liberty or misuse liberty;
- (iii) shall furnish the present address of his residence to the Court concerned at the time of execution of the bond;
- (iv) shall maintain law and order;
- (v) shall not indulge in any activity leading to breach of public peace and tranquility;
- (vi) the applicant shall be released if not required in any other case.

7. Direct service is permitted.

F.S.KAZI

(S. V. PINTO,J)