

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION)
NO. 2044 of 2026**

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RAMBHAI RANMALBHAI MODHVADIYA
Versus
STATE OF GUJARAT & ANR.

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Appearance:
MR SHAILESHKUMAR B RAYCHURA(10200) for the Applicant(s) No. 1
MS CM SHAH, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MS. JUSTICE S.V. PINTO**

Date : 16/07/2026

ORAL ORDER

1. Notice returnable on **27.11.2026**. 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 13.03.2026 passed by learned 2nd Additional Sessions Judge, Jamnagar in Criminal Appeal No.167 of 2025 confirming the judgment and order dated 07.08.2024 passed by the learned 5th Additional Chief Judicial Magistrate, Jamnagar in Criminal Case No. 10346 of 2023 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 also ordered the applicant to pay Rs.6,00,000/- as compensation to the complainant within a period of three months and, in default, simple imprisonment of six months.

3. Heard learned advocate Mr.S.D.Mogariya for learned advocate Mr.S.B.Raychura for the applicant and learned APP Ms.C.M.Shah for the respondent State.

4. Learned advocate Mr.S.D.Mogariya for the applicant submits that the applicant was convicted by the learned Trial Court. Thereafter, the applicant had filed Criminal Appeal No. 167 of 2025 before the Sessions Court, Jamnagar. At the time of filing appeal before the Sessions Court, the applicant had deposited 20% of the amount of cheque before the Sessions Court. Learned advocate submits that the judgment and order passed by the learned Trial Court came to be confirmed and, thereafter, he came to arrested and sent into custody and is in jail. Learned advocate further submits that the applicant is undergoing the sentence and is ready and willing to deposit further 20% of the amount of cheque 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 has already deposited 20% of the amount of cheque with the learned Trial Court and is ready and willing to deposit further 20% 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 dated 07.08.2024 passed by the learned 5th Additional Chief Judicial Magistrate, Jamnagar in Criminal Case No. 10346 of 2023 as well as the execution of sentence passed in the judgment and order dated 13.03.2026 passed by learned 2nd Additional Sessions Judge, Jamnagar in Criminal Appeal No.167 of 2025 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 20% of the amount of cheque 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)