

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 1997 of 2026**

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NILESHBHAI JAMANBHAI MOVALIYA PROP MARUTI EMBROIDERY AND
D.D. FASHION AND ARPAN ENTERPRISE

Versus
STATE OF GUJARAT & ANR.

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Appearance:

S M KIKANI(7596) for the Applicant(s) No. 1

MR KRUTIK A PARIKH, APP for the Respondent(s) No. 1

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

Date : 14/07/2026

ORAL ORDER

1. Notice, returnable on 04.12.2026. 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 18th Additional Sessions Judge, Surat in Criminal Appeal No. 204 of 2022 dated 03.06.2026 confirming the judgement and order passed by the learned 10th Additional Chief Judicial Magistrate, Surat, in Criminal Case No. 20389 of 2018 dated 01.04.2022 and has prayed in Para-7(B) 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 fifteen months and fine of Rs. 15,00,000/-, and in default, simple imprisonment for five months for the offence under Section 138 of the Negotiable Instruments Act, 1881.

3. Heard learned advocate Mr. S.M. Kikani for the applicant and learned APP Mr. Krutik A. Parikh for the respondent State.

4. Learned advocate Mr. S.M. Kikani for the applicant submits that the applicant was convicted by the learned 10th Additional Chief Judicial Magistrate, Surat by a judgment and order dated 01.04.2022, and had filed Criminal Appeal No.204 of 2022 before the Sessions Court, Surat. During the pendency of the appeal, the applicant had deposited Rs.3,00,000/- before the Sessions Court, Surat and thereafter, he was arrested and sent into custody on 03.06.2026. Learned advocate further submits that the applicant is undergoing the sentence and is ready and willing to deposit Rs.1,00,000/- before the learned Trial Court before his release. The applicant has a good case on merits and the prayer as prayed for in Para-7(B) may be allowed.

5. Learned APP Mr. Krutik A. Parikh for the respondent

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(B) is allowed. The order of execution of sentence passed by the learned 18th Additional Sessions Judge, Surat in Criminal Appeal No. 204 of 2022 dated 03.06.2026 confirming the judgement and order passed by the learned 10th Additional Chief Judicial Magistrate, Surat, in Criminal Case No. 20389 of 2018 dated 01.04.2022, 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 deposit Rs.1,00,000/- 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.
 8. List the matter on 04.12.2026.

ROHAN SONI

(S. V. PINTO,J)