

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 1989 of 2026**

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**BHAVESHBHAI HARDASBHAI SAVALIYA PROPRIETOR OF HEAVY
PLASTIC**

**Versus
STATE OF GUJARAT & ORS.**

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Appearance:

**MR DHRUMIL M SUCHAK(11880) for the Applicant(s) No. 1
MR NARENDRA L JAIN(5647) 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 : 13/07/2026

ORAL ORDER

1. Leave to amend is granted, to be carried out accordingly.
2. Notice, returnable on 11.12.2026. Learned APP waives service of notice for the respondent-State.
3. 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, Navsari in Criminal Appeal No. 35 of 2023 dated 01.07.2026 confirming the judgement and order passed by the learned 4th Additional Chief Judicial Magistrate, Navsari, in Criminal Case No. 7347 of 2019 dated 28.02.2023 and has prayed in

Para-5(C) 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 two years and was directed to pay Rs.3,50,000/- as compensation to the complainant, and in default, simple imprisonment for six months for the offence under Section 138 of the Negotiable Instruments Act, 1881.

4. Heard learned advocate Mr. Narendra L. Jain for the applicant and learned APP Mr. Krutik A. Parikh for the respondent State.

5. Learned advocate Mr. Narendra L. Jain for the applicant submits that the applicant was convicted by the learned 4th Additional Chief Judicial Magistrate, Navsari by a judgment and order dated 28.02.2023, and had filed Criminal Appeal No.35 of 2023 before the Sessions Court, Navsari. At the time of filing before the Sessions Court, Navsari, the applicant had deposited 20% of the amount of cheque before the Sessions Court, Navsari and thereafter, he was arrested and sent into custody on 01.07.2026. Learned advocate further submits that the applicant is undergoing the sentence and is ready and willing to pay 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-5(C) may be allowed.

6. Learned APP Mr. Krutik A. Parikh for the respondent State has objected to grant of the present application.

7. 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-5(C) is allowed. The order of execution of sentence passed by the learned Sessions Judge, Navsari in Criminal Appeal No. 35 of 2023 dated 01.07.2026 confirming the judgement and order passed by the learned 4th Additional Chief Judicial Magistrate, Navsari, in Criminal Case No. 7347 of 2019 dated 28.02.2023, 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 20% of the amount of cheque before of his

release;

(ii) shall file an affidavit cum undertaking that he will deposit the 20% of the amount of cheque as ordered by this Court before his release;

(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.

8. List the matter on 11.12.2026.

ROHAN SONI

(S. V. PINTO,J)