

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 2014 of 2026**

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HITESH RAJNIKANT CHAROLA
Versus
STATE OF GUJARAT & ANR.

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Appearance:
ARBAAZKHAN A PATHAN (9532) for the Applicant(s) No. 1
MOHAMADZAID I SAIYED(8411) for the Applicant(s) No. 1
MS. C.M. 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 26.11.2026. 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 judgement and order of conviction passed by the learned 2nd Additional Sessions Judge, Jamnagar in Criminal Appeal No. 163/2023 dated 29.05.2026 confirming the judgement and order passed by the learned 9th Additional Chief Judicial Magistrate, Jamnagar in Criminal Case No. 13446/2021 dated 25.04.2023 and suspend the execution of sentence during pendency of the present Revision Application, whereby, the present applicant - accused was sentenced to

six months simple imprisonment and fine of Rs. 1,25,000/- and in default, 30 days simple imprisonment for the offence under Section 138 of the Negotiable Instruments Act, 1881.

3. Heard learned advocate Mr. Arbaazkhan Pathan for the applicant and learned APP Ms. C.M. Shah for the respondent State.

4. Learned advocate Mr. Arbaazkhan Pathan submits that the applicant is in District Jail, Jamnagar undergoing sentence as the warrant for execution of sentence was issued pursuant to the order passed by the learned 2nd Additional Sessions Judge, Jamnagar on 29.05.2026 in Criminal Appeal No. 163/2023. Learned advocate submits that during the pendency of the appeal, the applicant had deposited an amount of Rs. 25,000/- being 20% of the cheque amount vide receipt no. 3939074 dated 08.07.2023. Learned advocate submits that the applicant is ready and willing to further deposit 20% of the cheque amount before the learned Trial Court before his release and hence, has urged this Court to grant the prayer as prayed for in para

7(C) and 7(D).

5. 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 application, the present application qua para 7(C) and 7(D) is allowed. The order of execution of sentence passed by the learned 2nd Additional Sessions Judge, Jamnagar in Criminal Appeal No. 163/2023 dated 29.05.2026 confirming the judgement and order passed by the learned 9th Additional Chief Judicial Magistrate, Jamnagar in Criminal Case No. 13446/2021 dated 25.04.2023 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. 10,000/- (Rupees Ten Thousand Only) with surety of the like amount to the satisfaction of the Trial Court and on the following conditions that the applicant;

- (i) shall not take undue advantage of liberty or misuse liberty;
- (ii) shall furnish the present address of his residence

to the Court concerned at the time of execution of the bond;

(iii) shall maintain law and order;

(iv) shall not indulge in any activity leading to breach of public peace and tranquility;

(v) shall deposit 20% of the cheque amount before his release;

(vi) the applicant shall be released if not required in any other case.

6. List the matter on 26.11.2026. Direct service is permitted.

VASIM S. SAIYED

(S. V. PINTO,J)