

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 2058 of 2026**

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CHETANBHAI VITTHALBHAI DAKHRA PROPRIETOR OF GANGA
TEXTILES

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR MATAFER R PANDE(3952) 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 : 17/07/2026
ORAL ORDER

1] **NOTICE** returnable on **07-12-2026**. Learned Additional Public Prosecutor appears and waives service of notice on behalf of the respondent – State.

2] By way of the present application under Sections 438 and 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant seeks quashing and setting aside the judgment and order dated 03-07-2026 passed by the learned 16th Additional Sessions Judge, Surat in Criminal Appeal No. 399 of 2025 confirming the judgment and order passed by learned 13th Additional Chief Judicial Magistrate, Surat in Criminal Case No. 12551 of 2019 dated 11-04-2025 and has prayed in Para – 14(e) to suspend the order of execution of sentence during pendency of the present Revision Application, whereby, the present applicant was

sentenced to simple imprisonment for one year and to pay Cheque amount of Rs.7,91,917/- to original complainant as compensation with 9% from the date of cheque return within six months, an in default, simple imprisonment for three months for the offence under Section 138 of the Negotiable Instruments Act, 1881.

3] Heard learned advocate Mr. M.R.Pande appearing online for the applicant and learned Additional Public Prosecutor Ms.C.M.Shah appearing for the respondent-State.

4] Learned advocate for the applicant submits that Criminal Appeal No. 399 of 2025 came to be dismissed by the learned Sessions Court, Surat, vide judgment and order dated 03-07-2026. It is further submitted that, at the time of filing of the appeal, the applicant had deposited a sum of Rs.1,89,000/-, being more than 20% of the cheque amount of Rs.7,91,917/-, before the learned Sessions Court at Surat. Learned advocate further submits that, without prejudice to the rights and contentions of the applicant in the present revision application, the applicant is ready and willing to deposit a further sum equivalent to 10% of the cheque amount before his release and a further 10% of the cheque amount after his release, within a period of six weeks from the date of the order. It is further submitted that the present Criminal Revision Application is

not likely to be heard in the near future and that its final adjudication is likely to take considerable time. Therefore, no useful purpose would be served by keeping the applicant incarcerated during the pendency of the revision application. It is submitted that the applicant has a strong prima facie case on merits and, therefore, the execution, operation and implementation of the impugned judgments and orders deserve to be suspended pending the final disposal of the revision application, and the applicant may be enlarged on regular bail on such terms and conditions as this Court may deem fit and proper. Accordingly, it is prayed that the relief sought in paragraph 14(e) of the revision application be granted.

5] Learned Additional Public Prosecutor appearing for the respondent-State has submitted that necessary orders 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 the applicant is ready and willing to pay 20% of the cheque amount, the prayer qua Para – 14 (e) is allowed. The execution of impugned order dated 03-07-2026 passed by the learned 16th Additional Sessions Judge, Surat in Criminal Appeal

No. 399 of 2025 confirming the judgment and order passed by learned 13th Additional Chief Judicial Magistrate, Surat in Criminal Case No. 12551 of 2019 dated 11-04-2025 is suspended during pendency of the present Criminal Revision Application and the applicant is ordered to be released on regular 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:

- i) shall deposit 10% of the cheque amount before his release and 10% of the cheque amount after his release, within a period of six weeks from the date of the order;*
- (ii) shall not take undue advantage of the liberty granted or misuse such liberty;*
- (iii) shall not leave India without the prior permission of this Court;*
- (iv) shall furnish the address of his present place of residence to the Court concerned at the time of execution of the bond and shall not change the same without the prior permission of this Court;*
- (v) shall maintain law and order and shall cooperate with the proceedings, if required;*

(vi) shall not indulge in any activity which may result in breach of public peace and tranquility;

(vii) shall be released forthwith, if his custody is not required in connection with any other case.

Direct service is permitted.

VISHAL MISHRA

(S. V. PINTO,J)