

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 2053 of 2026**

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CHETANBHAI VITTHALBHAI DANKHRA 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 CM 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 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 03.07.2026 passed by learned 16th Additional
Sessions Judge, Surat in Criminal Appeal No.398 of 2025
confirming the judgment and order passed by the learned 13th
Additional Chief Judicial Magistrate, Surat in Criminal Case
No.12549 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 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.54,399/- as compensation with interest at the rate of 9% to the complainant within a period of six weeks and, in default, simple imprisonment of three months.

3. Heard learned advocate Mr.Mafatar Pande, who appeared through Online mode, for the applicant and learned APP Ms.C.M.Shah for the respondent State.

4. Learned advocate Mr.Mafatar Pandey for the applicant submits that the applicant was convicted by the learned Trial Court. Thereafter, the applicant had filed Criminal Appeal No.398 of 2025 before the Sessions Court, Surat. At the time of filing appeal before the Sessions Court, the applicant had deposited 20% of the amount of cheque i.e. Rs.10,900/- before the Sessions Court vide receipt no.8561303 dated 25.07.2025. 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-14(e) 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 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 passed by the learned 13th

Additional Chief Judicial Magistrate, Surat in Criminal Case No.12549 of 2019 dated 11.04.2025 as well as the execution of sentence passed in the judgment and order dated 03.07.2026 passed by learned 16th Additional Sessions Judge, Surat in Criminal Appeal No.398 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.