

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 607 of 2016**=====

SUTHAR MANOJKUMAR KANAIYALAL....Applicant(s)

Versus

STATE OF GUJARAT & 1....Respondent(s)

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Appearance:

HCLS COMMITTEE, ADVOCATE for the Applicant(s) No. 1

MR. MANOJ T DANAK, ADVOCATE for the Applicant(s) No. 1

MR KP RAVAL, APP for the Respondent(s) No. 1
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CORAM: **HONOURABLE MR.JUSTICE S.G.SHAH**

Date : 05/08/2016

ORAL ORDER

1. **Notice** on condition that applicant shall deposit Rs.15,000/- within two weeks before Registry of this Court, returnable on 23.9.2016. As and when such amount is deposited, the same shall be invested in FDR and such amount shall be subject to outcome of this Revision Application.

2. In the present Criminal Revision Application, the applicant herein original accused has prayed to release him on bail by suspending the sentence imposed by order dated 9.9.2015 by the learned 2nd Addl. Chief Judicial Magistrate, Himmatnagar in Criminal Case No.1672 of 2013 as well as order dated 30.04.2016 by the learned Addl. Sessions Judge, Sabarkantha District, Himmatnagar in Criminal Appeal No.43 of 2015 dismissing the

appeal filed by the present applicant and confirming the order passed by the learned 2nd Addl. Chief Judicial Magistrate, Himmatnagar, by which, the applicant has been convicted for the offence punishable under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment of six months with fine of Rs.10,000/- and in default, to undergo one month S.I for the said offence.

3. Heard learned advocate Mr.M.T.Danak appearing for the applicant and learned APP Mr.K.P.Raval for the respondent - State and perused the record of the case.

4. Considering the overall facts and circumstances of the case and sentence imposed by the learned 2nd Addl. Chief Judicial Magistrate, Himmatnagar vide order dated 9.9.2015 in Criminal Case No.1672 of 2013 and confirmed by learned Addl. Sessions Judge, Sabarkantha District, Himmatnagar vide order dated 30.4.2016 in Criminal Appeal No.43 of 2015, the present application requires consideration and the same is allowed. The sentence imposed by order dated 9.9.2015 by learned 2nd Addl. Chief Judicial Magistrate, Himmatnagar vide in Criminal Case No.1672 of 2013 as well as order dated 30.4.2016 by learned Addl. Sessions Judge, Sabarkantha District, Himmatnagar in Criminal Appeal No.43 of 2015 are hereby suspended. The applicant shall be

released on regular bail on executing personal bond of Rs.25,000/- (Rupees Twenty-five Thousand only) and one surety of like amount to the satisfaction of the Trial Court and subject to the conditions that he shall;

(a) surrender passport, if any, to the lower court within a week;

(b) not leave the State of Gujarat without prior permission of the Trial Court;

(c) furnish the present address of residence to the I.O. and also to the Court at the time of execution of the bond and shall not change the residence without prior permission of this Court;

(d) if the applicant does not deposit the amount of Rs.15,000/- within two weeks, as stated above, the order of bail shall stand cancelled automatically, without referring to the Court.

5. Direct service is permitted.

(S.G.SHAH, J.)

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