

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**CRIMINAL REVISION APPLICATION NO. 916 of 2016**

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MUKESHBHAI PRATAPBHAI MEHTA....Applicant(s)

Versus

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

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Appearance:

MR.HARDIK B SHAH, ADVOCATE for the Applicant(s) No. 1

MR NJ SHAH APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR.JUSTICE Z.K.SAIYED

Date : 22/11/2016

ORAL ORDER

Notice of Rule returnable on 20.12.2016. Learned APP waives service of notice of rule on behalf of respondent State.

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 judgment and order dated 10.4.2015 passed by the learned Seventh Additional Chief Judicial Magistrate, Vadodara, in Criminal Case No.2273 of 2010 as well as the judgment and order dated 16.11.2016 passed by the learned Tenth Additional Sessions Judge, Vadodara, in Criminal Appeal No.68 of 2015 rejecting the appeal filed by the present applicant and confirmed the order passed by the learned Chief Judicial Magistrate, Vadodara, 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 one year and to pay fine of Rs.10,000/-, in default, to undergo further one month simple imprisonment.

3. Learned advocate Mr. Shah for the applicant states that the impugned judgment and order passed by the Courts below are required to be set aside as the same are passed without properly appreciating the evidence on record and the Courts below imposed such harsh imprisonment. He also states that the applicant is now on bail and his bail is required to be extended as the applicant is ready to deposit Rs.6 Lakhs within some stipulated time as may be fixed by this Court. He, therefore, prays to grant the bail to the applicant by suspending the sentence till disposal of the present Revision Application.

4. Heard learned APP Mr. Shah appearing for the respondent State.

5. Considering the overall facts and circumstances of the case and sentence imposed by the Courts below, bail is required to be extended. The sentence imposed by the judgment and order dated 10.4.2015 passed by the learned Seventh Additional Chief Judicial Magistrate, Vadodara, in Criminal Case No.2273 of 2010 as well as the judgment and order dated 16.11.2016 passed by the learned Tenth Additional Sessions Judge, Vadodara, in Criminal Appeal No.68 of 2015 are hereby suspended and the bail of the applicant is extended on condition that **he shall deposit Rs.6 Lakhs before trial Court within ten days from today** and also on executing personal bond of Rs.10,000/- (Rupees Ten Thousand only) and one surety of like amount to the satisfaction of the

Trial Court and if the applicant fails to deposit the aforesaid amount within time as stated above, the bail stands automatically cancelled and concerned trial Court shall be at liberty to issue non-bailable warrant against the applicant, if the applicant will not surrender to the jail Authority.

Direct service today is permitted.

(Z.K.SAIYED, J.)

YNVYAS