

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**CRIMINAL REVISION APPLICATION (AGAINST ACQUITTAL -  
NEGOTIABLE INSTRUMENT ACT) NO. 939 of 2016**

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UNIVERSAL FABRICS THRO' JITUBHAI CHAMPAKBHAI DIWALA &  
1....Applicant(s)  
Versus  
STATE OF GUJARAT & 2....Respondent(s)

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Appearance:

MR CHETAN K PANDYA, ADVOCATE for the Applicant(s) No. 1 - 2

MR RAJESH N MODI, ADVOCATE for the Applicant(s) No. 1 - 2

MR RAKESH PATEL APP for the Respondent(s) No. 1

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CORAM: **HONOURABLE MR.JUSTICE Z.K.SAIYED**

**Date : 01/12/2016**

**ORAL ORDER**

[1] **RULE.**

[2] In the present Criminal Revision Application, the applicants herein original accused have prayed to release them on bail by suspending the sentence imposed vide judgment and order dated 12.10.2015 passed by the learned 5<sup>th</sup> Additional Chief Judicial Magistrate Surat in Special Criminal Case No.100349/2001 (Old No.410/2001 whereby learned Additional Chief Judicial Magistrate, Surat has been convicted the accused for the offence punishable under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment of two years and directed to make payment of Rs.1,00,000/- as compensation to the complainant and in default, undergo further period of two months simple imprisonment. The said order order dated 12.10.2015 passed by the learned 5<sup>th</sup> Additional Chief Judicial Magistrate Surat in Special Criminal Case

No.100349/2001 (Old No.410/2001 came to be confirmed by the learned 15<sup>th</sup> (Ad-hoc) Additional Sessions Judge, Surat vide judgment and order dated 18.11.2016 passed in Criminal Appeal No.163 of 2015.

[3] Heard learned advocate appearing for the applicants and learned Additional Public Prosecutor for the respondent – State.

[4] Learned advocate for the applicant submits that the applicant - accused is ready and willing to deposit an amount of Rs.70,000/- before the concerned trial Court within a period of one week from today. He further submits that the applicant is in jail since long. He, therefore, prays to release the accused on bail.

[5] Considering the overall facts and circumstances of the case and sentence imposed by the sentence imposed by judgment and order dated 12.10.2015 passed by the learned 5<sup>th</sup> Additional Chief Judicial Magistrate Surat in Special Criminal Case No.100349/2001 (Old No.410/2001 and confirmed by the learned 15<sup>th</sup> (Ad-hoc) Additional Sessions Judge, Surat vide judgment and order dated 18.11.2016 passed in Criminal Appeal No.163 of 2015 is hereby suspended pending hearing and final disposal of the Criminal Revision Application. The applicant shall be released on regular bail 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 subject to the conditions that he shall;

- (a) deposit an amount of Rs.70,000/- [Rupees Seventy Five Thousand Only] with the concerned trial Court within a period of one week from today and produce the receipt thereof on record, failing which the bail stands cancelled automatically.
- (b) surrender passport, if any, to the lower court within a week;
- (c) not leave the State of Gujarat without prior permission of the

Trial Court;

(d) 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;

[5] Direct service is permitted.

**(Z.K.SAIYED, J.)**

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