

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -  
NEGOTIABLE INSTRUMENT ACT) NO. 1219 of 2024**

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NIKHILBHAI PRANLAL SHAH

Versus

STATE OF GUJARAT &amp; ANR.

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Appearance:

ANURAG R RATHOR(9315) for the Applicant(s) No. 1

for the Respondent(s) No. 2

MR HARDIK MEHTA, APP for the Respondent(s) No. 1

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**CORAM:HONOURABLE MS. JUSTICE GITA GOPI****Date : 14/08/2024****ORAL ORDER**

1. **RULE.** Learned Additional Public Prosecutor waives service of notice of Rule on behalf of respondent-State.
2. By way of this application, the challenge is given to the concurrent findings of conviction and sentence of the learned 6<sup>th</sup> Additional Chief Judicial Magistrate, Kachchh-Bhuj vide order dated 15/03/2024 in Criminal Case No.2320 of 2018 and learned Sessions Judge, Kachchh-Bhuj vide order dated 07/08/2024 in Criminal Appeal No.46 of 2024 under Section 138 of the Negotiable Instruments Act, 1881.
3. Learned advocate for the applicant submits that Rs.2,00,000/- has already been deposited before the learned Appellate Court in Criminal Appeal No.46 of

2024. Learned advocate for the applicant also produces before this Court a copy of the receipt of the above payment. It was, therefore, prayed that the present application may be allowed and the sentence qua the applicant herein may be suspended and the applicant be granted bail.

4. Learned Additional Public Prosecutor prayed that no discretion may be exercised in favour of the applicant.
5. Heard learned advocates appearing for the respective parties and perused the material on record. Taking into consideration the facts and circumstances of the case and when 20% of the cheque amount has been deposited before the learned Appellate Court and when the Revision Application will take its own time to come for final hearing, the order of sentence requires consideration.
6. In view of the above, the order of sentence dated 15/03/2024 passed by 6<sup>th</sup> Additional Chief Judicial Magistrate, Kachchh-Bhuj in Criminal Case No.2320 of 2018 and order dated 07/08/2024 passed by Sessions Judge, Kachchh-Bhuj in Criminal Appeal No.46 of 2024 are suspended till disposal of the present Criminal Revision Application and the applicant be released on bail on applicant's furnishing personal bond of Rs.10,000/- (Rupees ten thousand only) and a surety of like amount to the satisfaction of the Trial Court

concerned and subject to the conditions that the applicant shall:-

- [a] pursue the matter scrupulously as and when the same is listed;
  - [b] not take undue advantage of liberty or misuse liberty;
  - [c] surrender the passport, if any, before the Trial Court concerned within a week;
  - [d] not leave India without prior permission of the Court;
7. Direct service is permitted. Registry to communicate this order to the concerned Court/authority by Fax or Email forthwith.

**(GITA GOPLJ)**

ILA