

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 1076 of 2023****With****CRIMINAL MISC.APPLICATION (REGULAR BAIL) NO. 1 of 2024
In R/CRIMINAL REVISION APPLICATION NO. 1076 of 2023**

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PRATIKKUMAR MAHESHBHAI THUMBAR

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR DENISH V MAVADHIYA(9207) for the Applicant(s) No. 1
for the Respondent(s) No. 2

MR SM JOSHI, ADDL.PUBLIC PROSECUTOR for Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE J. C. DOSHI****Date : 11/03/2024****ORAL ORDER****Order in Criminal Revision Application No.1076 of 2023**

Heard learned advocates for the parties. Concurrent findings recorded by the learned Courts below convicting and sentencing the accused under section 138 of NI Act has been challenged inter-alia on the grounds stated in Revision memo. The Revision Application deserves consideration. **Rule.** Learned APP waives service of rule on behalf of respondent - State.

Order in Criminal Misc. Application No.1 of 2024

1. Heard learned advocates for the parties. .
2. By way of this application, the petitioner has prayed to suspend the sentence imposed vide order dated 02.01.2023

passed by the learned Additional Chief Judicial Magistrate, Keshod in Criminal Case No.1934 of 2021 and confirmed by the learned Additional Sessions Judge, Junagadh in Criminal Appeal No.8 of 2023 dated 28.07.2023 and grant regular bail.

3. The applicant has filed Revision before this Court which is admitted.

4. Learned advocate for the petitioner submits that the petitioner is behind bar since 26.12.2023. It is further submitted that the petitioner is ready to deposit 40% of the cheque amount within two weeks from the date of release. It is submitted that the petitioner shall file usual Undertaking before this Court. Considering, this aspect, it is submitted to suspend the sentence and grant regular bail to the petitioner.

5. Upon considering the submissions made at bar, it appears that petitioner is sentenced for a fixed period and the Revision is not likely to be heard in near future, present application for suspension of sentence can be considered in view of the decision rendered in case of **Bhagwan Rama Shinde V/s. State of Gujarat (1999)4 SCC 421** as there are no exceptional circumstances pointed out by the learned A.P.P. to refuse/decline the application.

6. Considering above, pending Revision Application, impugned order passed by the Courts below are kept in abeyance till further orders. The petitioner is released on bail pending hearing of the Revision Application on furnishing personal bond of Rs.10,000/- and surety of like amount to the

satisfaction of the learned Trial Court concerned and on further following conditions :-

- (i) The petitioner shall deposit 40% of the total cheque amount within two weeks before the learned Trial Court.
- (ii) The petitioner shall file usual Undertaking before this Court.
- (iii) The petitioner shall provide his address proof and shall not change address without permission of this Court.
- (iv) The petitioner shall also provide his mobile number as well as mobile number of his wife and shall not change the same.
- (v) The petitioner shall also provide mobile number of surety.

7. Accordingly, present application is allowed. Direct service is permitted.

GAURAV J THAKER

(J. C. DOSHI,J)