

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 1465 of 2025**

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KANTIBHAI HAMIRBHAI BATHVAR

Versus

AHMADBHAI ALIBHAI VADAVIYA & ANR.

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Appearance:

MR CHINTAN ADESHRA FOR M S PADALIYA(7406) for the Applicant(s) No.

1

MR NIRAJ SHARMA APP for the Respondent(s) No. 2

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CORAM:HONOURABLE MR.JUSTICE L. S. PIRZADA

Date : 25/08/2025

ORAL ORDER

1. The present revision application has been preferred by the applicant - original accused under Section 438 read with Section 442 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (for short, the "BNSS").

2. Learned advocate Mr.Chintan Adeshra for Mr.M.S. Padaliya for the applicant submitted that the present applicant - accused has been convicted by the learned trial Court under Section 138 of the Negotiable Instruments Act and the same was challenged by way of preferring the appeal before the Sessions Court, which

came to be dismissed and the judgment of the learned trial Court came to be confirmed. It is submitted that the present applicant - accused is ready and willing to deposit further amount as directed by this Court and, therefore, the sentence imposed upon the applicant - accused is required to be suspended pending the present revision application.

3. Considering the arguments advanced by the learned advocate for the applicant - accused, perusing the judgments passed by both the learned trial Courts and considering that this is a case of short sentence and hearing of the present application may take long time, the sentence imposed upon the applicant - accused is required to be suspended.

4. In view of the above, issue Rule, making it returnable on 11.11.2025. The learned A.P.P. waives service of Rule for the respondent - State.

5. Interim relief in terms of paragraph 7(B) is granted.

6. The sentence imposed upon the applicant – accused by judgment and order dated 22.06.2022 passed by the learned Additional Chief Judicial Magistrate, Vankaner in Criminal Case No.1858 of 2018, convicting the applicant – accused under Section 138 of the Negotiable Instruments Act and sentencing him to undergo 1 year's simple imprisonment and confirmed in Criminal Appeal No.67 of 2022 by the learned Sessions Judge, Morbi by order dated 31.07.2025, is hereby suspended till final disposal of the present revision application, on the following terms and conditions:-

(1) The applicant – accused shall furnish personal bond of Rs.10,000/- as well as surety of the like amount before the learned trial Court.

(2) Not misuse the liberty granted to him by this Court;

(3) The applicant – accused shall also furnish the correct and permanent address with the documentary evidence before the learned trial Court.

(4) Not leave India without prior permission of this Court.

(5) The present applicant - accused shall deposit 50% of the cheque amount before the learned trial Court within a period of 4 weeks from the date of receipt of copy of this order.

Direct service is permitted.

(L. S. PIRZADA, J)

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