

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**CRIMINAL REVISION APPLICATION (AGAINST ORDER PASSED BY
SUBORDINATE COURT) NO. 1079 of 2017**

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GIRISHCHANDRA AYODHYAPRASAD PANDEY....Applicant(s)

Versus

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

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Appearance:

CHAITANYA V LIMBACHIYA, ADVOCATE for the Applicant(s) No. 1

SHIVAM H CHOKSHI, ADVOCATE for the Applicant(s) No. 1

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

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CORAM: HONOURABLE MR.JUSTICE S.G. SHAH**Date : 16/11/2017****ORAL ORDER**

1. NOTICE returnable on 21.12.2017. Learned APP waives service of notice on behalf of the respondent- State.
2. By way of the present application u/s.397 read with Section 401 of the Code of Criminal Procedure, 1973, the applicant herein original accused has prayed to suspend the sentence imposed by judgment and order dated 19.10.2015 passed by the learned 4th Additional Judicial Magistrate First Class, Dahod in Criminal Case No.962 of 2006 as well as the judgment and order dated 27.10.2017 passed by the learned 3rd Additional Sessions Judge, Dahod in Criminal Appeal No.14 of 2015, by which, the applicant has been convicted for the offence punishable under Section 138 of the Negotiable

Instruments Act and sentenced to undergo four months simple imprisonment with Rs.25,000/- as compensation.

3. Heard Learned advocate Mr. Chiatanya V. Limbachiya for the applicant and learned APP Mr. Manan Mehta for the respondent State.

4. Considering the overall facts and circumstances of the case and sentence imposed by the both Courts below, the present application requires consideration and prayer in terms of bail is allowed. The sentence imposed by judgment and order dated 19.10.2015 passed by the learned 4th Additional Judicial Magistrate First Class, Dahod in Criminal Case No.962 of 2006 as well as the judgment and order dated 27.10.2017 passed by the learned 3rd Additional Sessions Judge, Dahod in Criminal Appeal No.14 of 2015 are hereby suspended pending hearing and final disposal of the present Revision Application. The applicant shall be released on regular bail on executing fresh bond of Rs.10,000/- (Rupees Ten Thousand only) and one surety of like amount to the satisfaction of the Trial Court on condition that petitioner shall deposit Rs.50,000/- before this Court within two weeks, on same condition let there be interim relief in terms of paragraph 15 (C) only till next date of hearing.

5. Both the parties are at liberty to file compilation of relevant documents, so as to decide this revision application at the earliest.

6. Direct service is permitted.

VARSHA

(S.G. SHAH, J.)