

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 1394 of 2024**

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MRUNAL CHANDRAKANT BUTTE

Versus

NIKHIL S GUJJAR & ANR.

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Appearance:

MR DHRUV K DAVE(6928) for the Applicant(s) No. 1

MR HARDIK MEHTA APP for the Respondent(s) No. 2

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CORAM:HONOURABLE MS. JUSTICE GITA GOPI

Date : 13/09/2024

ORAL ORDER

1. By way of this application, the applicant - revisionist challenges the judgment of conviction and sentence dated 16.02.2023 passed by the learned Judicial Magistrate, First Class, Vadodara in Criminal Case No.9536 of 2018 under Section 138 of the Negotiable Instruments Act, 1881. The above sentence was challenged by way of an Appeal and the same was confirmed on 31.08.2024 by the learned 3rd Additional Sessions Judge, Vadodara in Criminal Appeal No.155 of 2023.

2. Learned advocate for the applicant states that the revision has been raised against the concurrent finding of conviction and sentence. It is further submitted that 20% of the Cheque amount has already been deposited earlier and today under order of this Court, a Demand Draft to the tune of Rs.3,50,520/- has been deposited in the registry of this Court. Learned advocate for the applicant referred to the endorsement of the Central Tapal Registry of this Court. A copy of the Demand Draft of the payment so made is produced on record.

3. Taking into consideration the facts and circumstances of the case and when 20% of the cheque amount has already been deposited and today also a Demand Draft of Rs.3,50,520/- before the registry of this Court, and when the revision application will take its own time to come for final hearing, the order of sentence requires consideration. Hence, **Rule.**

4. The sentence imposed upon the applicant -

revisionist vide judgment of conviction and sentence dated 16.02.2023 passed by the learned Judicial Magistrate, First Class, Vadodara in Criminal Case No.9536 of 2018, which was upheld and confirmed on 31.08.2024 by the learned 3rd Additional Sessions Judge, Vadodara in Criminal Appeal No.155 of 2023, shall remain suspended pending hearing and final disposal of the present Revision Application and the applicant-revisionist herein is ordered to be released on bail on executing a personal bond of Rs.10,000/- (Rupees Ten Thousand Only) with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that the applicant-revisionist 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;

[e] The authorities shall release the applicant only if the applicant is not required in connection with any other offence.

5. If breach of any of the above conditions is committed, the Sessions Judge concerned will be free to issue warrant or take appropriate action in the matter.

Direct service today is permitted.

Vikramsinh Amarsinh

(GITA GOPI,J)