

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 1560 of 2025**

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AXIOM CHEMICALS AND TECHNOLOGIES PVT. LTD. & ORS.
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR D S MOURYA(6728) for the Applicant(s) No. 1,2,3
MR VO JOSHI(5883) for the Applicant(s) No. 1,2,3
MR. NIRAJ SHARMA APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE L. S. PIRZADA

Date : 04/09/2025

ORAL ORDER

1. Leave to amendment is granted. Necessary amendment be carried out.

2. Heard learned advocate Mr. D. S. Mourya for the applicant. It is submitted that the present applicant has been convicted by the learned trial Court for the offence punishable under Section 138 of the Negotiable Instruments Act and same was challenged by preferring an appeal before the learned Sessions Court and the learned Sessions Court has rejected the appeal and confirmed the judgment of conviction by the learned trial Court and revision application has been preferred. Further, it is submitted that impugned cheque has been given by way of security to the original complainant but this aspect has not been considered by the learned Trial Court and the learned Appellate Court. Further submitted that the present

applicant has deposited 20% of the cheque amount before the learned Trial Court and further 20% of the cheque amount deposited before the learned Sessions Court and he is ready and willing to deposit further amount as directed by this Court and prayed for suspension of the sentence.

3. Considering the arguments advanced by the learned advocate for the applicant, perusing the judgment passed by the learned trial Court and the judgment passed by the learned Appellate Court. The present applicant has good case on merits. This is a case of short sentence and hearing of the revision application might take long time, pending revision application and the sentence is required to be suspended.

4. Issue the Rule to respondent, returnable on 18.11.2025. Learned APP waives service of Rule on behalf of the respondent – State.

5. Interim relief in terms of paragraph 7 – (e) is hereby granted.

6. The sentence passed by the learned Special Metropolitan Magistrate, Negotiable Instruments Act Court, Ahmedabad in Criminal Case No.9499/2019 by judgment and order dated 03.11.2022 sentencing the present applicant for one year of simple imprisonment for the offence punishable under Section 138 of the Negotiable Instruments Act and judgment passed by the learned Additional Sessions Judge, City Civil and Sessions Court, Court No.26, Ahmedabad in Criminal Appeal No.429/2022 by judgment dated 15.07.2025 rejecting the appeal and confirming the judgment of conviction passed by

the learned trial Court, is hereby, suspended till the final disposal of the revision application. The present applicant-accused has to furnish personal bond of Rs.10,000/- and surety of like amount before the learned trial Court on following conditions:-

- (a) Not to misuse the liberty given by this Court.
- (b) Furnishing address with documentary proof before the learned trial Court.
- (c) Not to leave India without prior permission of this Court.
- (d) The present applicant has to deposit 10% of the cheque amount before the learned Trial Court within four weeks from the date of passing of this order.

Direct service permitted.

HRT

(L. S. PIRZADA, J)