

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 1637 of 2025**

**With
CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE) NO.
1 of 2025**

In R/CRIMINAL REVISION APPLICATION NO. 1637 of 2025

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DEV ENGINEERs THRO TEJPAL UPADHAYAY

**Versus
STATE OF GUJARAT & ANR.**

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Appearance:

RAZIN S ZEENA(9377) for the Applicant(s) No. 1

MR. NIRAJ SHARMA APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE L. S. PIRZADA

Date : 11/09/2025

ORAL ORDER

**ORDER IN CRIMINAL MISC. APPLICATION (FOR
SUSPENSION OF SENTENCE) NO. 1 OF 2025 IN
R/CRIMINAL REVISION APPLICATION NO. 1637 of
2025**

1. Heard the learned advocate for the applicant and it is submitted that the present applicant – accused has been convicted by the learned Trial Court for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and was sentenced to one year simple imprisonment and the said judgment of conviction was challenged by

preferring Criminal Appeal before the learned City Civil & Sessions Court, Ahmedabad which appeal came to be dismissed and the judgment passed by the learned Trial Court is confirmed. Against that, the present revision application has been preferred by the present applicant - accused. Further, it is submitted that in the present case, the cheque amount is of Rs.5,00,000/- as per the order of the Sessions Court, the present applicant - original accused has deposited 30% of the amount of the cheque before the learned Sessions Court and the said amount is already withdrawn by the complainant and the present applicant is ready and willing to deposit further amount as directed by this Court. Hence, pending revision application, the sentence is required to be suspended till final disposal of this revision application.

2. Considering the arguments advanced by the learned advocate for the applicant and perusing the judgments of the learned Trial Court as well as learned Sessions Court, the present applicant - original accused has a very good case on merits and considering the fact that this is the case of short sentence and hearing of the revision might take long, pending

revision application, the sentence is required to be suspended.

3. Interim relief in terms of Para 11(A) is granted and the sentence imposed by the learned Additional Chief Metropolitan Magistrate, N.I. Act, Court No.30, Ahmedabad in Criminal Case No.61914 of 2020 on 28.07.2023, sentencing the accused for one year simple imprisonment for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and the judgment passed by the learned Additional Sessions Judge, Court No.6, City Civil Court, Ahmedabad in Criminal Appeal No.458 of 2023 dismissing the appeal and confirming the judgment of the learned Trial Court on 18.08.2025 is hereby suspended till final disposal of this revision application.

4. The present applicant – original accused should be released on bail on furnishing the bail bond of Rs.10,000/- and surety of the like amount on following conditions:

- i. The present applicant shall not misuse the liberty granted by this Court;
- ii. Furnish the address with the documentary evidence

before the learned Trial Court while executing the bail bond;

- iii. Not to leave India without prior permission of this Court;
- iv. Further, the present applicant – accused has to deposit 20% of the amount of the cheque before the learned Trial Court within 3 weeks from the date of this order.

Direct Service is permitted. The present application is disposed of accordingly.

ORDER IN R/CRIMINAL REVISION APPLICATION NO. 1637 of 2025

Issue Rule, returnable on 25.11.2025. Learned APP waives service of Rule for the respondent – State.

JCP

(L. S. PIRZADA, J)