

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 2641 of 2026**

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SHIVKUMAR KALURAM GAUTAM

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR NR KODEKAR(5020) for the Applicant(s) No. 1

MS. PUJA M. RAVAL(19556) for the Applicant(s) No. 1

MR. KRUTIK PARIKH, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE S.V. PINTO

Date : 10/09/2026**ORAL ORDER**

1] **RULE** returnable on **12.02.2027**. Learned Additional Public Prosecutor appears and waives service of notice of rule on behalf of the respondent – State.

2] By way of the present application under Sections 438 and 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant seeks suspending the judgment and order dated 20.06.2026 passed by the learned Additional Sessions Judge, City Sessions Court No. 9, Ahmedabad City in Criminal Appeal No.980 of 2025 confirming the judgment and order of conviction passed by learned 9th Additional Chief Judicial Magistrate, Negotiable Instrument Act Court No. 31, Ahmedabad in Criminal Case No. 1840 of 2022 dated 16.10.2025 and has prayed in Para – 12(c) to suspend the order of execution of sentence during pendency of the

present Revision Application and to release the applicant on bail, whereby, the present applicant was sentenced to simple imprisonment for one year for the offence under Section 138 of the Negotiable Instruments Act, 1881 and has been ordered to pay cheque amount within sixty days as compensation to original complainant and in default simple imprisonment for three months.

3] Heard learned advocate Mr. N.R.Kodekar for the applicant and learned Additional Public Prosecutor Mr. Krutik Parikh appearing for the respondent – State.

4] Learned Advocate Mr. N.R.Kodekar submits that respondent No.2 had filed Criminal Case No. 1840 of 2022 before the Court of Chief Judicial Magistrate, Ahmedabad City and, at the end of the trial, the learned 9th Additional Chief Judicial Magistrate, Negotiable Instrument Act Court No. 31, Ahmedabad City, vide order dated 16.10.2025 was pleased to convict the applicant under Section 138 of the N.I. Act, 1881 and sentence him to undergo simple imprisonment for one year and to pay cheque amount as compensation to the original complainant within six months and in default simple imprisonment for six months. Being aggrieved by the said order of conviction, the applicant preferred Criminal Appeal No.980 of 2025 before the Sessions Court, Ahmedabad City

and, vide order dated 20.06.2026, the learned Additional Sessions Judge, City Sessions Court No. 9, Ahmedabad City was pleased to confirm order passed by the learned 9th Additional Chief Judicial Magistrate, Negotiable Instrument Act Court No. 31, Ahmedabad City, vide order dated 16.10.2025 passed in Criminal Case No. 1840 of 2022. Learned Advocate submits that, pursuant to the order passed by the learned Sessions Judge, Ahmedabad City, the warrant has been issued and is now presently in custody undergoing the sentence since 20.08.2026. Learned Advocate for the applicant submits that the applicant did not deposit any amount before the learned Sessions Judge, Ahmedabad City and is now ready and willing to deposit 40% of the cheque amount before his release before the learned Court concerned. It is further submitted that the present Criminal Revision Application is not likely to be heard in the near future and that its final adjudication is likely to take considerable time. Therefore, no useful purpose would be served by keeping the applicant incarcerated during the pendency of the revision application. The applicant has a strong *prima facie* case on merits and, therefore, the execution, operation and implementation of the impugned judgment and order deserve to be suspended pending final disposal of the revision application

and the applicant may be enlarged on regular bail on such terms and conditions as this Court may deem fit and proper. Accordingly, it is prayed that the relief sought in paragraph 12(C) of the revision application be granted.

5] Learned Additional Public Prosecutor Mr. Krutik Parikh appearing for the respondent – State has submitted that necessary orders may be passed.

6] Considering the fact that the conviction is a fixed sentence and there is no likelihood of the revision application being heard in the near future and the applicant did not deposit any amount before the learned Sessions Judge, Ahmedabad City and now applicant is ready and willing to pay 40% of the cheque amount before his release before the learned Court concerned, the prayer qua Para – 12(C) is allowed. The impugned order of execution of sentence order dated 20.06.2026 passed by the learned Additional Sessions Judge, City Sessions Court No. 9, Ahmedabad City in Criminal Appeal No.980 of 2025 confirming the judgment and order of conviction passed by learned 9th Additional Chief Judicial Magistrate, Negotiable Instrument Act Court No. 31, Ahmedabad in Criminal Case No. 1840 of 2022 dated 16.10.2025 shall stand suspended during pendency of the present Criminal Revision

Application and the applicant is ordered to be released on regular bail on furnishing personal bond of Rs.10,000/- (Rupees Ten Thousand Only) with surety of the like amount to the satisfaction of the trial court and on the following conditions:-

i) Shall deposit 40% of the cheque amount before his release before the learned Trial Court;

(ii) shall not take undue advantage of the liberty granted or misuse such liberty;

(iii) shall not leave India without the prior permission of this Court;

(iv) shall furnish the address of his present place of residence to the Court concerned at the time of execution of the bond and shall not change the same without the prior permission of this Court;

(v) shall maintain law and order and shall cooperate with the proceedings, if required;

(vi) shall not indulge in any activity which may result in breach of public peace and tranquility;

(vii) shall be released forthwith, if his custody is not required in connection with any other case.

Direct service is permitted.

VISHAL MISHRA

(S. V. PINTO,J)