

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 2587 of 2026****With****CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL) NO. 1 of
2026****In R/CRIMINAL REVISION APPLICATION NO. 2587 of 2026**=====
PATEL RAMESHBHAI AMBALAL**Versus****STATE OF GUJARAT & ANR.**
=====**Appearance:****MR. JAVED S QURESHI(6999) for the Applicant(s) No. 1****MS.C.M.SHAH, APP for the Respondent(s) No. 1**
=====**CORAM:HONOURABLE MS. JUSTICE S.V. PINTO****Date : 03/09/2026****ORAL ORDER****ORDER IN CR.R.A.****RULE** returnable on **19.02.2027**. Learned APP waives service of notice of rule for the respondent-State.**ORDER IN CR.M.A.****1. RULE.** Learned APP waives service of notice of rule for the respondent-State.**2.** By way of the present application, the applicant–accused has prayed for suspension of the execution of the judgment and order passed by the learned 4th Additional Sessions Judge, Kheda at Kapadwanj, in Criminal Appeal No. 33 of 2023 dated 19.08.2026, confirming the judgment and order passed by the learned

Additional Chief Judicial Magistrate, Kapadwanj, in Criminal Case No. 444 of 2021 dated 15.06.2023. The applicant has also prayed, in Para-12(b), to suspend the sentence and release the applicant during the pendency of the present Revision Application, whereby the applicant has been convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo simple imprisonment for a period of two years and has also been ordered to pay compensation of Rs.5,00,000/- to the complainant and, in default thereof, to undergo simple imprisonment for a further period of six months.

3. Heard learned advocate Mr. Javed Qureshi for the applicant and learned APP Ms.C.M.Shah for the respondent – State.

4. Learned advocate Mr. Javed Qureshi for the applicant submits that the applicant was convicted and sentenced by the learned Additional Chief Judicial Magistrate, Kapadwanj. Thereafter, the applicant had filed criminal appeal before the Sessions Court, Kapadwanj. During pendency of the appeal before the Sessions Court, the applicant had deposited Rs.1,00,000/- being 20% of the cheque amount, on 05.09.2023 vide receipt No. 6545049 before learned Principal Senior Civil Judge, Kapadwanj. Learned advocate submits that the judgment and order passed by

the learned Additional Chief Judicial Magistrate, Kapadwanj came to be confirmed, and, thereafter, he came to arrested and sent into custody and is in jail since then. Learned advocate further submits that the applicant is undergoing the sentence and is ready and willing to deposit further 20% of the amount of cheque before the learned Trial Court before his release. The applicant has a good case on merits and the prayer as prayed for in Para – 12(b) may be allowed.

5. Learned APP Ms. C.M.Shah for the respondent State has objected to grant of the present application, however, submits that appropriate order 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 considered the fact that the applicant has already deposited 20% of the amount of cheque with the learned Principal Senior Civil Judge, Kapadwanj and is ready and willing to deposit further 20% amount of cheque before his release and as the offence is bailable and compoundable under Section 147 of the Negotiable Instruments Act, 1881, pending the hearing and - final disposal of the present criminal revision application and interim relief as prayed in Para - 12(b) is granted and the execution of

sentence passed in the judgment and order passed by the learned 4th Additional Sessions Judge, Kheda at Kapadwanj, in Criminal Appeal No. 33 of 2023 dated 19.08.2026, confirming the judgment and order passed by the learned Additional Chief Judicial Magistrate, Kapadwanj, in Criminal Case No. 444 of 2021 dated 15.06.2023 shall stand suspended and the applicant shall be released on bail by executing a fresh bond of Rs. 10,000/- (Rupees Ten Thousand Only) with one surety of the like amount to the satisfaction of the Trial Court, on the conditions:

(i) *shall deposit 20% of the amount of cheque with the learned Trial Court before his release;*

(ii) *shall not take undue advantage of liberty or misuse liberty;*

(iii) *shall furnish the present address of his residence to the Court concerned at the time of execution of the bond;*

(iv) *shall maintain law and order;*

(v) *shall not indulge in any activity leading to breach of public peace and tranquility;*

(vi) *the applicant shall be released if not required in any other case.*

7. In view of the above, the present application is allowed. Direct service is permitted.

VISHAL MISHRA

(S. V. PINTO,J)