

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 2585 of 2026**

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PRAFUL KISHOR SHAH

Versus

STATE OF GUJARAT & ANR.

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Appearance:

ARBAAZKHAN A PATHAN (9532) for the Applicant(s) No. 1

MOHAMADZAID I SAIYED(8411) for the Applicant(s) No. 1

MS.C.M.SHAH, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE S.V. PINTO

Date : 03/09/2026**ORAL ORDER**

1. Rule returnable on 18.02.2027. Learned APP waives service of notice of rule for the respondent-State.
2. By way of the present application, the applicant -accused has prayed to quash and set aside the judgment and order passed by learned Additional Sessions Judge, Court No.24, City Civil & Sessions Court, Ahmedabad in Criminal Appeal No. 406 of 2025 dated 17.08.2026 confirming the judgment and order passed by the learned 38th Additional Chief Judicial Magistrate, N.I.Court No.35, Ahmedabad City in Criminal Case No. 25116 of 2023 dated 03.04.2025 and has prayed in Para-7(c) to release the applicant and in Para-(d) to suspend the order of execution of sentence during pendency of the present Revision Application, whereby, the

present applicant is convicted for the offence under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo simple imprisonment for a period of one year and also ordered the applicant to pay Rs.1,08,333/- as compensation to the complainant within 60 days and, in default, simple imprisonment of three months.

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

4. Learned advocate Mr.M.I.Saiyed for the applicant submits that the applicant was convicted and sentenced by the learned Trial Court. Thereafter, the applicant had filed criminal appeal before the Sessions Court. During pendency of the appeal before the Sessions Court, the applicant had deposited 5% of the amount of cheque before the Sessions Court. Learned advocate submits that the judgment and order passed by the learned Trial Court came to be confirmed and, thereafter, he came to arrested and sent into custody and is in jail. 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 - 7(c) and Para - 7(d)

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 5% of the amount of cheque with the learned Sessions Court 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 - 7(c) and Para - 7(d) is granted and the execution of sentence passed in the judgment and order passed by learned Additional Sessions Judge, Court No.24, City Civil & Sessions Court, Ahmedabad in Criminal Appeal No. 405 of 2025 dated 17.08.2026 confirming the judgment and order passed by the learned 38th Additional Chief Judicial Magistrate, N.I.Court No.35, Ahmedabad City in Criminal Case No. 25116 of 2023 dated 03.04.2025 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;*
- (i) 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.*

Direct service **TODAY** is permitted.

VISHAL MISHRA

(S. V. PINTO,J)