

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 1138 of 2022**

With

**CRIMINAL MISC.APPLICATION (REGULAR BAIL) NO. 1 of 2022
In R/CRIMINAL REVISION APPLICATION NO. 1138 of 2022**

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LIYAKATHUSHEN GULAM BAJOWALA

Versus

STATE OF GUJARAT & ANR.

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Appearance:

ADILHUSHAIN M SAIYED(9723) for the Applicant(s) No. 1

MR FAIMUDDIN SAIYED(5483) for the Respondent(s) No. 2

MR. H K PATEL APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE L. S. PIRZADA

Date : 08/09/2025

ORAL ORDER

**Order in Criminal Revision Application No.01 of 2022 in
Criminal Revision Application No.1138 of 2022**

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 the same was challenged by preferring Criminal Appeal before the learned Sessions Court 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 the present applicant - original accused is in judicial custody since July, 2022 and is ready and willing to deposit 50% of the amount of the cheque before the learned Trial Court within reasonable time as directed by this Court. Hence, pending revision application, the sentence is required to be suspended till final disposal of this revision application and the present applicant - accused may be enlarged on bail.

2. Learned advocate Mr.Faimuddin Saiyed for the respondent no.2 submitted that the present applicant - accused is directed to deposit 100% of the cheque amount then and then only, the sentence is required to be suspended.

3. 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 and the applicant is required to be enlarged on bail.

4. Interim relief in terms of Para 8(B) is granted and the sentence imposed by the learned 3rd Additional Chief Judicial Magistrate, Bharuch in Criminal Case No.3247 of 2017 on 27.02.2020, 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 Principal Sessions Judge, Bharuch in Criminal Appeal No.86 of 2021 dismissing the appeal and confirming the judgment of the learned Trial Court on 13.09.2022 is hereby suspended till final disposal of this revision application.

5. The present applicant - original accused is in judicial custody and should be released on bail, if not required in any other case, 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 50% of the amount of the cheque before the learned Trial Court within 6 weeks from the date of this order.

Direct Service is permitted. The present Criminal Misc. Application is disposed of accordingly.

Order in Criminal Revision Application No.1138 of 2022

Issue Rule, returnable on 21.11.2025. Learned APP waives service of Rule for the respondent – State.

JCP

(L. S. PIRZADA, J)