

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 1261 of 2023**

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NAYANBHAI DHIRENDRABHAI KOTHARI PROPRIETIOR AND PARTNER
OF TORAL PROTEINS

Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR.MINHAJ M SHAIKH(6847) for the Applicant(s) No. 1
for the Respondent(s) No. 2

MR HARDIK MEHTA APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE GITA GOPI

Date : 02/07/2024

ORAL ORDER

1. By way of this application, the applicant – revisionist challenges the judgment of conviction and sentence dated 23.11.2021 passed by the learned 5th Additional Chief Judicial Magistrate, Anand in Criminal Case No.4537 of 2019 under Section 138 of the Negotiable Instruments Act, 1881. The above sentence was challenged by way of an Appeal and the same was confirmed on 25.08.2023 by the learned Principal District & Sessions Judge,

Anand in Criminal Appeal No.393 of 2021.

2. Learned advocate for the applicant states that the revision has been raised against the concurrent finding of conviction and sentence. Learned advocate for the applicant referring to the receipts issued by the Nazir of the appellate Court, which is on record, submitted that initially Rs.85,000/- and then Rs.90,000/- had been deposited before the Nazir of the appellate Court.

3. Taking into consideration the facts and circumstances of the case and when Rs.85,000/- and Rs.90,000/- have been deposited, and when the revision application will take its own time to come for final hearing, the order of sentence requires consideration. Hence, **Rule.**

4. The sentence imposed upon the applicant - revisionist vide judgment of conviction and sentence dated 23.11.2021 passed by the learned

5th Additional Chief Judicial Magistrate, Anand in Criminal Case No.4537 of 2019, which was upheld and confirmed on 25.08.2023 by the learned Principal District & Sessions Judge, Anand in Criminal Appeal No.393 of 2021, shall remain suspended pending hearing and final disposal of the present Revision Application and the applicant-revisionist herein is ordered to be released on bail on executing a personal bond of Rs.10,000/- (Rupees Ten Thousand Only) with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that the applicant-revisionist shall;

[a] pursue this Revision Application;

[b] not take undue advantage of liberty or misuse liberty;

[c] surrender passport, if any, to the lower court within a week;

[d] not leave India without prior permission of this Court;

5. If breach of any of the above conditions is committed, the Sessions Judge concerned will be free to issue warrant or take appropriate action in the matter.

Direct service is permitted.

(GITA GOPI,J)

Pankaj