

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 2607 of 2026**

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NARSHIBHAI CHHAGANBHAI RATHOD
Versus
STATE OF GUJARAT & ANR.

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Appearance:
ARMANKHAN A GHASURA(8376) 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 22.02.2027. Learned APP waives service of rule for the respondent-State.
2. By way of the present application, the applicant – accused has prayed to quash and set aside the judgement and order of conviction passed by the learned Sessions Judge, Jamnagar in Criminal Appeal No. 396/2023 dated 29.06.2026 confirming the judgement and order passed by the learned 7th Additional Chief Judicial Magistrate, Special Negotiable Court, Jamnagar in Criminal Case No. 4403/2022 dated 30.11.2023 and suspend the execution of sentence during pendency of the present Revision Application, whereby, the present applicant - accused was

sentenced to two years simple imprisonment and fine of Rs. 10,00,000/- and in default, four months simple imprisonment for the offence under Section 138 of the Negotiable Instruments Act, 1881.

3. Heard learned advocate Mr. Armankhan Ghasura for the applicant and learned APP Ms. C.M. Shah for the respondent State.

4. Learned advocate Mr. Armankhan Ghasura submits that applicant has been arrested and is in jail undergoing sentence. Learned advocate submits that the applicant has already paid 20% of the cheque amount to the original complainant and is ready and willing to deposit 20% of the cheque amount before his release and hence, has urged this Court to grant the prayer as prayed for in para 11(C).

5. 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 a prima facie case is made out in favour of the present application, the present application qua para 11(C) is allowed. The order of

execution of sentence passed by the learned Sessions Judge, Jamnagar in Criminal Appeal No. 396/2023 dated 29.06.2026 confirming the judgement and order passed by the learned 7th Additional Chief Judicial Magistrate, Special Negotiable Court, Jamnagar in Criminal Case No. 4403/2022 dated 30.11.2023 is suspended during pendency of the Criminal Revision Application and the applicant is ordered to be released on 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 that the applicant;

- (i) shall not take undue advantage of liberty or misuse liberty;
- (ii) shall furnish the present address of his residence to the Court concerned at the time of execution of the bond;
- (iii) shall maintain law and order;
- (iv) shall not indulge in any activity leading to breach of public peace and tranquility;
- (v) shall deposit 20% of the cheque amount before his release;
- (vi) the applicant shall be released if not required in any other case.

6. Direct service is permitted. List the matter on 22.02.2027.

VASIM S. SAIYED

(S. V. PINTO,J)