

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 2608 of 2026**

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UMATIYA TOFIKBHAI HASAMBHAI
Versus
STATE OF GUJARAT & ANR.

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Appearance:

URVESH M PRAJAPATI(8878) 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 2nd Additional Sessions Judge, Mehsana in Criminal Appeal No. 101/2025 dated 27.08.2026 confirming the judgement and order passed by the learned Judicial Magistrate First Class, Satlasna in Criminal Case No. 586/2023 dated 05.03.2025 and suspend the execution of sentence during pendency of the present Revision Application, whereby, the present applicant - accused was sentenced to one year simple

imprisonment and fine of Rs. 12,00,000/- and in default, two months simple imprisonment for the offence under Section 138 of the Negotiable Instruments Act, 1881.

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

4. Learned advocate Mr. Urvesh Prajapati submits that applicant has been arrested and is in jail undergoing sentence. Learned advocate submits that the applicant has already deposited an amount of Rs. 1,20,000/- vide receipt no. 6862128 on 08.07.2025 and an amount of Rs. 1,20,000/- vide receipt no. 6862144 on 29.08.2025 before the Sessions Court, Visnagar. Learned advocate further submits that the applicant is ready and willing to deposit 10% of the cheque amount before his release and a further 10% of the cheque amount within a period of four weeks after his release and hence, has urged this Court to grant the prayer as prayed for in para 7(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 7(C) is allowed. The order of execution of sentence passed by the learned 2nd Additional Sessions Judge, Mehsana in Criminal Appeal No. 101/2025 dated 27.08.2026 confirming the judgement and order passed by the learned Judicial Magistrate First Class, Satlasna in Criminal Case No. 586/2023 dated 05.03.2025 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 10% of the cheque amount before his release and a further 10% of the cheque amount within a period of four weeks after his release;

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

6. It is clarified that if the applicant does not pay 10% of the cheque amount within four weeks from the date of his release, the learned Trial Court shall issue warrant for execution of sentence.

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

VASIM S. SAIYED

(S. V. PINTO,J)