

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST
CONVICTION - NEGOTIABLE INSTRUMENT ACT) NO. 2442 of
2025**

With

R/CRIMINAL REVISION APPLICATION NO. 2411 of 2025

With

R/CRIMINAL REVISION APPLICATION NO. 2413 of 2025

With

R/CRIMINAL REVISION APPLICATION NO. 2419 of 2025

With

R/CRIMINAL REVISION APPLICATION NO. 2420 of 2025

With

R/CRIMINAL REVISION APPLICATION NO. 2425 of 2025

With

R/CRIMINAL REVISION APPLICATION NO. 2427 of 2025

With

R/CRIMINAL REVISION APPLICATION NO. 2433 of 2025

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VIPUL MANSUKHBHAI BHIMANI & ANR.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

**MR ZUBIN BHARDA with MS. PARUL VANZARA(14228) for the
Applicant(s) No. 1,2**

MR UTKARSH SHARMA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL

Date : 22/12/2025

ORAL ORDER

1. Heard, learned advocate Mr. Zubin Bharda with Ms. Parul

Vanzara, learned advocate for the applicants.

2. By way of present Criminal Revision Applications, the applicants have assailed the concurrent findings of the learned Courts below in the judgment and orders as detailed below, whereby, the applicants are convicted for the offence under Section 138 of the Negotiable Instruments Act, 1881 (NI Act) and sentenced to imprisonment with a direction to pay compensation to the original complainant:

Sr.	CR.RA No.	Cr. A. No. & Judt. Date	CC No. & Judt. Date	Court
1.	2442/2025	463/2025 15.09.2025	23224/2020 13.03.2025	3 rd Addl. Sessions Judge, Vadodara (in appeal) &
2.	2411/2025	459/2025 15.09.2025	11221/2020 13.03.2025	
3.	2413/2025	460/2025 15.09.2025	23223/2020 13.03.2025	11 th Addl. Chief Judicial Magistrate, Vadodara. (in Criminal Case)
4.	2419/2025	465/2025 15.09.2025	23225/2020 13.03.2025	
5.	2425/2025	461/2025 15.09.2025	11217/2020 13.03.2025	
6.	2427/2025	460/2025 15.09.2025	23223/2020 13.03.2025	
7.	2433/2025	463/2025 15.09.2025	23224/2020 13.03.2025	
8.	2420/2025	462/2025 15.09.2025	4631/2021 13.03.2025	

3. The learned advocate for the applicants would submit that the original complainant has not acted as per the agreement and Sale Deed dated 25.10.2018 and hence, the complainant has not fulfilled the terms

and conditions of the said Sale Deed and has also not cleared the title of the property and thus, the *status quo* ordered by this Court in Appeal from Order No. 85 of 2020 *vide* order dated 03.06.2020 and connected matter, which is still pending, despite the fact that the original complainant has misused the cheques which are admittedly dated 15.09.2020 that is after passing of the *status quo* order by this Court.

3.1 It is submitted that the trial Court has erred in not considering the fact that the dispute between the parties is civil in nature and two civil suits and one Appeal from Order is pending before this Court coupled with the fact that the original complainant is not aware about who has signed the cheques nor is he aware about the constitution of the firm or the role of the partners which go to the root of the case. That, the complainant himself is uncertain about the execution of the cheques. Under the circumstances, the trial Court as well as the first appellate Court have committed error in convicting the present applicants. That, the cheques in question came to be 'stop payment' only because the Sale Deed is based on a no title at all and the applicants having invested a substantial amount and *status quo* being granted by this Court based on the fact that the original land owner came to *prima facie* prove that he has become the owner of the land subsequent to the alleged Power of Attorney issued to the so-called Power of Attorney holder, who, in turn, has executed the Sale Deed in favour of the original complainant and thus, a fraud is perpetrated on the applicants. Thus, it is urged to admit the present revision applications.

3.2 Even, keeping aside the aforesaid submissions, learned advocate

for the applicants, under the instructions from the applicants, has stated that applicants are ready and willing to deposit **5%** of the cheque amount in each matter with the trial Court concerned and accordingly, it is urged that pending present revision applications, the sentence imposed upon the applicants may be suspended.

4. Considered the above and gone through the impugned orders. The Court has also perused the memo of appeal and the documents appended thereto coupled with the fact that additional documents were placed before the trial Court and also handed over across the bar by the learned advocate for the applicant. Considering the dispute involved, more particularly, when the Court has already granted *status quo* to the original land owner *vide* order dated 03.06.2020 passed in Appeal from Order No. 85 of 2020 with connected matter, which is pending, pursuant to which, cheques dated 15.09.2020 came to be stop payment by the applicant, seems *prima facie*, *bond fide* at this stage. Therefore, issue **Notice**, returnable on **30.01.2026**. Learned Additional Public Prosecutor waives service on behalf of respondent – State.

4.1 In the peculiar facts and circumstances of the case, subject to the applicants depositing **5% of the cheque amount in each matter**, on or before **30.01.2026** with the trial Court concerned, the sentence imposed upon the applicants herein *vide* judgment and orders impugned in this revision applications, is suspended pending present revision applications on the conditions that applicants:

- a) shall execute a personal bond of **Rs.10,000/- each** with one surety **each** of the like amount. Bail bonds before the trial Court

concerned;

- b) shall not misuse the liberty granted by this Court;
- c) shall furnish the present address of his residence with documentary evidence to the Court concerned at the time of execution of the bond;
- d) shall not leave India without prior permission of this Court;
- e) shall proceed with the Criminal Revision Applications as and when listed and shall not prolong the hearing of the same.

5. Needless to observe that in case of non-deposit of the aforesaid amount, the interim protection of suspending the sentence of imprisonment shall stand automatically withdrawn without reference to this Court.

6. **Direct Service** is permitted.

[P. M. Raval, J.]

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