

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION) NO.
1423 of 2023**

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RAVAL YOGESHKUMAR RAVISHANKER
Versus
STATE OF GUJARAT

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Appearance:

MR KAMLESH S KOTAI(6150) for the Applicant(s) No. 1
for the Respondent(s) No. 2

MS JIRGA JHAVERI, ADDL.PUBLIC PROSECUTOR for the Respondent(s)
No. 1

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CORAM: HONOURABLE MRS. JUSTICE M. K. THAKKER
Date : 10/11/2023
ORAL ORDER

1.This revision application is filed challenging the judgment and order passed by the learned 4th Additional Sessions Judge, Mehsana dated 27.10.2023 in Criminal Appeal No.103 of 2019, whereby the appeal was rejected and the order dated 24.05.2022 passed by the learned Additional Chief Judicial Magistrate, Vijapur in Criminal Case NO.103 of 2017 was confirmed.

2.Learned advocate Mr.Kamlesh Kotai submits that though the complainant fails to prove the case beyond the reasonable doubt by leading the evidence, learned trial Court had convicted the present applicant for the offences punishable under Sections 406, 420

and 506(2) of the Indian Penal Code and ordered to undergo the sentence of simple imprisonment of one year. Learned advocate Mr.Kotai further submits that financial capacity which was challenged why the present applicant was not proved by the complainant and the defence of the present applicant that the complainant had misused the cheque, which was given towards the security was not considered and the judgment and order of the conviction was passed by the learned trial Court. Learned advocate Mr.Kotai further submits that as this is the sentence of one year falling under the short sentence, the same may be suspended till the final disposal of this revision application.

3.Considering the submissions made by the learned advocate Mr.Kotai for the applicant, this Court finds that as this is the short sentence of one year and this revision application is not likely to be concluded within a near future, the sentence which is awarded by the learned trial Court is required to be suspended.

4.Hence, present revision application is

admitted and interim relief in terms of para 8(c) is granted till the final disposal of the revision application.

5.Direct Service is permitted, today.

M.M.MIRZA

(M. K. THAKKER,J)