

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 1392 of 2023**

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KANTILAL KARSHANBHAI KANJARIYA

Versus

DINESHKUMAR SUNDARJIBHAI RAICHURA

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Appearance:

MR PREMAL S RACHH(3297) for the Applicant(s) No. 1
for the Respondent(s) No. 1

MS ASMITA PATEL, APP for the Respondent(s) No. 2

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CORAM: HONOURABLE MS. JUSTICE S.V. PINTO

Date : 30/11/2023

ORAL ORDER

Rule. Learned APP waives service of notice of rule on behalf of the respondent State.

By preferring this application, applicant has requested to quash and set aside the judgment and order dated 27.09.2023 passed by the learned 2nd Additional Sessions Judge, Devbhoomi Dwarka at Jamkhambhalia in Criminal Appeal No.32 of 2023 as well as judgment and order dated 9.6.2023 passed by the learned Chief Judicial Magistrate, Devbhoomi Dwarka at Jamkhambhalia in Criminal Case No.481 of 2022 and to release him on bail

during the pendency of the present revision application.

Heard learned advocate for the applicant.

It is submitted by the learned advocate for the applicant that the applicant has deposited 20% amount i.e. Rs.54,674/- before the learned District Court, Devbhoomi Dwarka. Learned advocate further submits that the applicant is in custody since 27.9.2023 and the wife of the applicant is unable to deposit further amount but the applicant is ready and willing to deposit some amount as directed by this Court within a period of three months from the date of his release and the applicant will file an undertaking to that effect before the learned District Court.

During the hearing and final disposal of the present revision application, the sentence imposed upon the applicant vide judgment and order dated 27.09.2023 passed by the learned 2nd Additional Sessions Judge, Devbhoomi Dwarka at Jamkhambhalia in Criminal Appeal No.32 of 2023 as well as judgment and order dated 9.6.2023 passed by the learned Chief Judicial Magistrate, Devbhoomi Dwarka at Jamkhambhalia in Criminal Case No.481 of

2022 stands suspended and 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:

- (a) shall maintain law and order;
- (b) shall not indulge in any activity leading to breach of public peace and tranquility.
- (c) shall not leave the State of Gujarat without prior permission of this Court.
- (d) shall pay the fine, if not paid;
- (e) shall deposit further 20% amount of the cheque in question before the learned District Court within a period of three months from the date of his release and shall also file an undertaking to that effect before the learned District Court.

Direct service is permitted.

H.M. PATHAN

(S. V. PINTO,J)