

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 1420 of 2023**

With

R/CRIMINAL REVISION APPLICATION NO. 1422 of 2023

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RAGHUVIR SINH RANJITSINH GOHIL

Versus

STATE OF GUJARAT

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Appearance:

MR VISHWAS S DAVE(5861) for the Applicant(s) No. 1

for the Respondent(s) No. 2

MS JIRGA JHAVERI, APP for the respondent no.1

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CORAM:HONOURABLE MRS. JUSTICE M. K. THAKKER

Date : 10/11/2023

COMMON ORAL ORDER

1. Mr. Vishwas Dave, learned advocate for the applicant submits that in the impugned judgment, the learned trial Court had relied on the agreement dated 01.12.2016, which was executed between the complainant and the present appellant - original accused. Learned advocate further submits that the agreement, which is part of the record at Page 96, wherein the cheque number which is mentioned at No.7375, however, the disputed cheque in the complaint, is Cheque no.7357. Learned advocate further submits that

though the complainant had admitted in the cross-examination, which was conducted by the learned advocate for the accused that the signature in the disputed cheque as well as signature in the agreement is different, though issuance of the cheque as well as signature was disputed and the respondent - accused had rebutted the presumption, which is in favour of the complainant, learned advocate submits that the learned trial Court had convicted the present appellant and imposed the sentence of six months simple imprisonment. Learned advocate further submits that addition to sentence, the learned trial Court had also directed to pay the cheque amount of Rs.4,50,000/- to the complainant by way of compensation under Section-357(3) of the Cr.P.C. within a period of 60 days from the date of pronouncement of the judgment. Learned advocate further submits that he is ready to deposit 50% of the cheque amount before the concerned trial Court within a period of two weeks from today. Learned advocate further submits that though the sentence was suspended by the learned appellate Court, but it is suspended till today only.

2. Considering the submission advanced by the learned advocate and considering the record, which is produced by the learned advocate with the revision application, this Court finds that there is a prima-facie case, which is made out at this stage and when the sentence was already suspended by the learned trial Court, which was for six months, the same is required to be suspended till final disposal of this application.

3. In view of the above, let ***Rule be issued*** to the respondents. Learned APP waives service of notice of rule for and on behalf of the respondent – State. Notice be served to Respondent no.2 through normal mode of service.

The interim relief in terms of Para-5(C) is granted on the condition that to deposit 50% of the amount within a period of two weeks from today.

Direct service is permitted.

A. B. VAGHELA

(M. K. THAKKER,J)