IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION - NEGOTIABLE INSTRUMENT ACT) NO. 1738 of 2024

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CHAUDHARY BALDEVBHAI KANJIBHAI
Versus
STATE OF GUJARAT & ANR.

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Appearance:
MR VICKY B MEHTA(5422) for the Applicant(s) No. 1
MR. JAY M THAKKAR(6677) for the Respondent(s) No. 2
MR. H.K. PATEL APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR.JUSTICE L. S. PIRZADA**

Date : 09/09/2025

ORAL ORDER

1. The present revision application has been preferred by the present applicant original accused challenging the order passed by the learned Trial Court, convicting the present applicant under Section 138 of the Negotiable Instruments Act and said judgment of conviction has been assailed before the learned District Court and the learned District Court has dismissed the appeal and present revision application has been preferred.

2. Heard learned advocate Mr. Vicky B. Mehta for the applicant. It is submitted that the present applicant has been convicted by the learned trial Court for the offence punishable

under Section 138 of the Negotiable Instruments Act and same was challenged by preferring an appeal before the learned District Court and the learned District Court has rejected the appeal and confirmed the judgment of conviction by the learned trial Court. Further it is submitted that the present applicant is in the judicial custody since 19.03.2025. Further it is submitted that the in the appeal the present applicant was not remain present and his advocate was not remain present because of that Court has decided the appeal on merits and dismissed the appeal. On the other hand, requested for pending revision application and sentence is required to be suspended and present applicant is required to be released on bail. The present applicant is ready and willing to deposit 30% of the cheque amount before this Court within reasonable time.

3. On the other hand, learned advocate Mr. Jay M. Thakkar for the original complainant has submitted that the present case in hand is concerned. There is a concurrent finding recorded by the learned Trial Court and the learned Appellate Court. Even the learned Appellate Court, in his absence, has called for Record and Proceedings after considering the evidence produced before the learned Trial Court and considering the appeal memo and all his defense, has decided the appeal on merits. Considering this, the sentence is not

required to be suspended.

4. After rival submissions of the respective parties, perusing the judgment passed by the learned Trial Court and the learned Appellate Court, this is a case of short sentence and hearing of revision might take some time. Considering this, pending revision application and the sentence is required to be suspended and the present applicant is required to be released on bail.

5. Issue the Rule to respondent, returnable on 24.11.2025. Learned APP waives service of Rule on behalf of the respondent – State.

6. Interim relief in terms of paragraph 7 – (c) is hereby granted.

7. The sentence passed by the learned Presiding Officer, Special Negotiable Instruments Act Court, Rajkot in Criminal Case No.2279/2016 by judgment and order dated 31.07.2023 sentencing the present applicant for one year of simple imprisonment for the offence punishable under Section 138 of the Negotiable Instruments Act and judgment passed by the learned 10th Additional District and Sessions Judge, Rajkot in

Criminal Appeal No.595/2023 by judgment dated 30.09.2024 rejecting the appeal and confirming the judgment of conviction passed by the learned trial Court, is hereby, suspended till the final disposal of the revision application.

8. The present applicant is in the judicial custody be released on bail and the present applicant-accused has to furnish personal bond of Rs.10,000/- and surety of like amount before the learned trial Court on following conditions:-

(a) Not to misuse the liberty given by this Court.
(b) Furnishing address with documentary proof before the learned trial Court.
(c) Not to leave India without prior permission of this Court.
(d) The present applicant has to deposit 20% of the cheque amount before the learned Trial Court from the date of actual release and further 10% of the cheque amount be deposited before the learned Trial Court within 20 days thereafter.

9. The present applicant be released from Jail, if he is not required in any other offences.

Direct service permitted.

(L. S. PIRZADA, J)

HRT

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: HIMAL RAKESHKUMAR TRIVEDI(HCD0071), ENGLISH STENOGRAPHER GRADE TWO CLASS TWO, at High Court of Gujarat on 12/09/2025 19:16:41