

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST ORDER PASSED BY
SUBORDINATE COURT) NO. 2192 of 2025**

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ROHIT CHATURBHAI KAVAR DIRECTOR OF K-MARK BIZOL PVT. LTD.

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR. KALRAV R PATEL(7041) for the Applicant(s) No. 1

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

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CORAM:**HONOURABLE MR.JUSTICE P. M. RAVAL****Date : 20/11/2025****ORAL ORDER**

1. The applicant is before this Court assailing the order dated 17.09.2025 passed by the learned Sessions Court, Morbi below Exh.4 in Criminal Appeal No. 117 of 2025, whereby original accused No.3 that is the present applicant was directed to deposit 20% of the compensation amount that is 20% of Rs.1,01,00474/-. However, the director – original accused No.2 has complied with depositing 10% of the amount and has sought time to deposit further 10% amount of the compensation amount directed by the First Appellate Court, but the present applicant is financially incapable of complying with the said direction. Hence, he challenged the aforesaid order before this Court.

2. Heard learned advocate Mr.. Kalrav Patel for the applicant.

3. Learned advocate would submit that though he is the director of the company, he has resigned as a direction w.e.f. 15.10.2019, however, the cheque is dated 29.07.2019, but could not for the

reasons best known to the learned advocate representing him before the Trial Court could place on record the said resignation to prove that because of the financial irregularities committed by the respondent No.2 – original accused No.2, he had resigned from the company. Learned advocate would further draw the attention of this Court towards the cross-examination of respondent No.2 by the learned advocate for the respondent No.3 to point out that it is not that he was the signatory to the cheque under dispute and there is nothing on record to point out that original accused No.3 was in charge of day to day activities of the company.

4. Considering the facts and circumstances of the case, and also considering the judgment in the case of **Shree Gurudata Sugars Marketing Private Limited vs. Prithvi Raj Sayajirao Deshmukh and others reported in 2024 INSC 551** *prima facie*, strong case is made out.

5. The order below Exh.4 in Criminal Appeal No.117 of 2025 dated 17.09.2025 directing the present applicant – original accused No.3 to deposit 20% of the amount stayed on the condition that, he will deposit Rs.1 lakh before the First Appellate Court on or before 04.12.2025.

7. In the meantime, prayer in terms of paragraph 9(B) and 9(E) is granted.

8. Issue **Notice** returnable on 23.12.2025. Learned APP

waives service of notice for and on behalf of the respondent/s.

Direct service is permitted

(P. M. RAVAL, J)

PARMAR CHIRAG

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: PARMAR CHIRAG KANUBHAI(HC02371), ENGLISH STENO GRADE-II\, at High Court of Gujarat on 21/11/2025 11:27:12