

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST
CONVICTION - NEGOTIABLE INSTRUMENT ACT) NO.
2302 of 2025**

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MISTRY BRIJESHKUMAR RAJENDRAKUMAR
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR MAHESHKUMAR K PUROHIT(10627) for the Applicant(s)
No. 1

MR PRANAV H PATEL(13910) for the Applicant(s) No. 1

MR ROHAN SHAH, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL

Date : 01/12/2025

ORAL ORDER

1. Heard, learned advocate for the applicant.
2. By way of present Criminal Revision Application, the applicant has assailed the concurrent findings of the learned Courts below *i.e.* judgment and order dated 11.09.2025 passed in Criminal Appeal No. 395 of 2024 by the learned 6th Additional District and Sessions Judge, Anand confirming the judgment and order dated 23.08.2024 passed in Criminal Case No. 2965 of 2022 by the learned

Additional Chief Judicial Magistrate, Borsad, whereby, the applicant is convicted for the offence under Section 138 of the Negotiable Instruments Act, 1881 (for short “NI Act”) and sentenced to imprisonment with a direction to pay compensation to the original complainant.

3. This revision application is filed mainly on the ground that both the Courts below have committed error in not appreciating the evidence as regards that the fact that there was no legally enforceable debt on the present applicant and applicant was having an arguable case. Even, keeping aside the aforesaid submissions, learned advocate for the applicant, under the instructions from the applicant, has stated that applicant is ready and willing to deposit 40% of the cheque amount with the trial Court concerned, however, requests that some time may be given and accordingly, it is urged that pending present revision application, sentence imposed upon the applicant may be suspended.

4. Considering the above, issue **Rule**, returnable on **7th April 2026**. Learned Additional Public Prosecutor waives service on behalf of respondent – State.

4.1 Subject to the applicant depositing **20%** of the cheque amount within a period of **four weeks from the date of his actual release** and **rest 20%** amount **within four weeks thereafter**, with the trial

Court concerned, interim relief in terms of paragraph **8(C)** of the application memo is granted and sentence imposed upon the applicant herein *vide* judgment and orders impugned in this revision application is suspended pending present revision application. The applicant be released on bail by executing a personal bond of Rs.10,000/- (Rupees Ten Thousand) with one surety of the like amount to the satisfaction of the trial Court concerned, on the conditions that applicant:

- (a) shall not take undue advantage of liberty or misuse liberty;
- (b) shall not leave India without prior permission of this Court;
- (c) shall furnish the present address of his residence with documentary evidence to the Court concerned at the time of execution of the bond;
- (d) shall proceed with the Criminal Revision Application as and when listed and shall not prolong the hearing of the same.

4.2 Needless to observe that in case of non-deposit of the aforesaid amount, the interim protection of suspending the sentence of imprisonment shall stand automatically withdrawn without reference to this Court. **Direct service** is permitted.

[P. M. Raval, J.]