

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST
CONVICTION - NEGOTIABLE INSTRUMENT ACT) NO.
2359 of 2025**

**With
CRIMINAL MISC. APPLICATION (FOR SUSPENSION OF
SENTENCE) NO. 1 of 2025
In R/CRIMINAL REVISION APPLICATION NO. 2359 of 2025**

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PROP. OF M/s. GEETA AGENCY BALUBHAI CHHAGANBHAI
TADVI
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MS. PRAKRITEE JAIN(14342) 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 : 04/12/2025

ORAL ORDER

Order in Criminal Revision Application:

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 25.11.2025 passed in Criminal

Appeal No. 11 of 2024 by the learned Principal District and Sessions Judge, Chhota Udepur confirming the judgment and order dated 18.04.2024 passed in Criminal Case No. 77 of 2021 by the learned Chief Judicial Magistrate, Chhota Udepur, 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. Having heard and considering the averments made in the present application, and that the learned advocate for the applicant, on instructions, has submitted that the applicant is ready and willing to deposit further **15%** of the cheque amount, issue **Rule**, returnable on **21st January 2026**. Learned Additional Public Prosecutor waives service of notice of Rule on behalf of the respondent - State.

Order in Criminal Misc. Application:

1. Heard the learned advocate for the applicant.
2. The captioned 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. Having heard and considering the

averments made in the present application and that the applicant is ready and willing to deposit further **15%** of the cheque amount, present application deserves consideration.

3. Subject to the applicant depositing further **15% of the cheque amount** within a period of **six weeks from the date of his actual release** with the trial Court concerned, this application is allowed in terms of **paragraph 6(A)** of the application memo 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.

3.1 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.

3.2 The application stands disposed of accordingly. **Direct service** is permitted.

[P. M. Raval, J.]

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