

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST
CONVICTION - NEGOTIABLE INSTRUMENT ACT) NO.
2596 of 2025**

**With
CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF
SENTENCE) NO. 1 of 2025
In R/CRIMINAL REVISION APPLICATION NO. 2596 of 2025**

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LALIT HARAKCHAND GANDHI PROPRIETOR OF NAKODA
AUTO FINANCE

Versus
STATE OF GUJARAT & ANR.

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Appearance:

ADITYA R GUNDECHA(8869) 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 : 05/01/2026

ORAL ORDER

Order in Criminal Revision Application:

1. Heard the learned advocate for the applicant.
2. By way of present Criminal Revision Application, the applicant has assailed the judgment and order dated 20.12.2025

passed in Criminal Appeal No. 340 of 2019 by the learned Principal District and Sessions Judge, Anand and the judgment and order dated 21.10.2019 passed in Criminal Case No. 3385 of 2017 by the learned 3rd Additional Chief Judicial Magistrate, Anand, 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 fine.

3. Having heard and considering the averments made in the present application, as well as the decision in the case of ***Ramjibhai Haribhai Chaudhari v. State of Gujarat, reported in 2012 (0) AIJEL-HC 228906***, as relied on by the learned advocate for the applicant, the matter requires consideration. Hence, issue ***Rule***, returnable on **20th February 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 applicant has filed the captioned revision application mainly on the ground that both the Courts below have committed error in not appreciating the evidence on record, more particularly, the fact that the original complainant has failed to prove service of statutory notice upon the applicant as well as the fact that there was

no legally enforceable debt on the present applicant and applicant was having an arguable case. Nonetheless, the learned advocate for the applicant, on instructions, has submitted that the applicant is ready and willing to deposit further **30%** of the cheque amount. Accordingly, it is urged that this application may be allowed and the sentence imposed upon the applicant may be suspended pending the main revision application.

3. Having heard and considering the averments made in the present application and that the applicant is ready and willing to deposit **30%** of the cheque amount, as well as the above-referred decision, present application deserves consideration.

4. Accordingly, this application is allowed. The sentence imposed upon the applicant *vide* judgment and orders impugned in the main revision application is suspended pending the main revision application on the conditions that the applicant:

- a) shall execute a personal bond of Rs.10,000/- with one surety of the like amount. Bail bond before the trial Court concerned;
- b) shall not misuse the liberty granted by 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 not leave India without prior permission of this

Court;

e) shall deposit **30%** of the cheque amount within a period of **4 weeks from today** before the trial Court concerned;

(f) shall proceed with the Criminal Revision Application as and when listed and shall not prolong the hearing of the same.

5. 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.

6. This application stands disposed accordingly. **Direct Service** is permitted.

[P. M. Raval, J.]

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