

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 2605 of 2025**

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JAGDISHBHARTHI MAGANBHARTHI GAUSWAMI
Versus
STATE OF GUJARAT & ANR.

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Appearance:

ARCHANABEN B GOSWAMI(8154) for the Applicant(s) No. 1
MR MAHENDRA U VORA(3034) for the Applicant(s) No. 1
MR. ROHAN N. 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**

Leave to amend the prayer close is granted. The amendment to be carried out forthwith.

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 19.12.2025 passed in Criminal Appeal No. 209 of 2025 by the learned Sessions Judge, Banaskantha at Palanpur confirming the judgment and order dated 21.04.2025 passed in Criminal Case No. 3530 of 2022 by the learned 3rd Additional Judicial Magistrate, First Class, Palanpur, whereby, the applicant is convicted for the offence under Section 138 of the Negotiable Instruments Act, 1881 (for short “NI Act”) and sentenced

to one year simple imprisonment and direction to pay compensation of the cheque amount to the tune of Rs.9,80,000/- 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 and accordingly, it is urged that pending present revision application, sentence imposed upon the applicant may be suspended and the applicant may be enlarged on bail.

4. Considering the above, issue ***Rule***, returnable on 16.01.2026. Learned Additional Public Prosecutor waives service on behalf of respondent – State.

4.1 Subject to the applicant depositing 40% of the cheque amount on or before 09.01.2026 with the trial Court concerned, the 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.

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. Direct service is permitted.

NITIN MAKWANA

(P. M. RAVAL, J)