IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION - NEGOTIABLE INSTRUMENT ACT) NO. 204 of 2020

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JAGDISHBHAI BHAILALBHAI PATEL

Versus

GHANSHYAMBHAI PRAVINCHANDRA PATEL & ANR.

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Appearance:
MR HIMANSHU C DESAI(6832) for the Applicant(s) No. 1
DS AFF.NOT FILED (R) for the Respondent(s) No. 1
MS CM SHAH, APP for the Respondent(s) No. 2

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CORAM:**HONOURABLE MS. JUSTICE S.V. PINTO**

Date : 14/08/2026

ORAL ORDER

1. Perused the office note dated 12.08.2026 stating that pursuant to the order dated 04.11.2025 passed by this Court (Coram : Hon'ble Mr. Justice R.T.Vachhani) in Criminal Misc. Application (For Condonation of Delay) No. 2 of 2025 in preferring in preferring Criminal Misc. Application No.1 of 2025 for substitution of legal representative of the applicant in the captioned criminal revision application, the applicants – legal heirs of the original revisionist were directed to deposit an amount of Rs.5,000/- as cost. Accordingly, the Registry has verified the matter and it is found that the applicants have not deposited the amount referred herein above till 14.08.2026. Hence, today, the present matter is listed on the board for necessary orders.

2. The present criminal revision application has been preferred by the applicant – original accused challenging the judgment and order passed by learned 7th Additional District and Sessions Judge, Vadodara in Criminal Appeal No.121 of 2014 dated 30.01.2020 confirming the judgment and order passed by the learned 10th Additional Chief Judicial Magistrate, Vadodara in Criminal Case No. 39095 of 2004 (Criminal Old Case No. 5337 of 2004) dated 20.10.2014, whereby, the learned Trial Court was pleased to convict the present applicant and sentence him to simple imprisonment of one year and order the applicant to pay the double amount of cheque with simple interest @ 6% per annum and in default, simple imprisonment of six months for the offence under Section 138 of the Negotiable Instruments Act.

3. It appears from the record that, at the time of filing / pending consideration of the present revision application, the applicant had also preferred an application for condonation of delay in preferring Criminal Misc. Application No. 1 of 2025 for substitution of legal representative of the applicant and while allowing the said application, the applicants, being legal heirs of the original applicant, were directed to deposit an amount of Rs.5,000/- as cost but the applicants had not deposited the amount till 12.08.2026.

4. Despite the aforesaid specific direction, the applicants have not complied with the order of this Court. Nearly 9 months have elapsed since the passing of the said

order. There is nothing on record to indicate that the applicants have deposited the amount in compliance with the order, nor has any material been placed before this Court demonstrating any bona fide attempt on the part of the applicants to comply with the same.

5. The applicants, having invoked the revisional jurisdiction of this Court, seeking interference with the concurrent order of conviction and sentence, was required to comply with the direction issued by this Court in the proceedings instituted at his instance. A litigant cannot seek discretionary relief from the Court while, at the same time, keeping the proceedings pending indefinitely by failing to comply with an express direction of the Court.

6. The period of almost 9 months cannot be regarded as an inadvertent or temporary default. The prolonged failure to deposit the amount of cost as directed by this Court, coupled with the absence of any explanation or material demonstrating compliance, clearly indicates that the applicants do not wish prosecute the present revision application in accordance with the direction of this Court. There is no justification for permitting the proceedings to remain pending indefinitely when the very condition on which the matter was to be taken up for further consideration remains unfulfilled.

7. In the aforesaid circumstances, this Court finds no reason to keep the present the application pending any further.

The application is liable to be dismissed on account of the applicants' failure to comply with the earlier order of this Court and for want of prosecution.

8. Accordingly, main matter being R/Criminal Revision Application No.204 of 2020 along with connected appilcation/s, if any, stand dismissed for non-compliance with the order dated 04.11.2025 passed in Criminal Misc. Application (For Condonation of Delay) No.2 of 2025 in preferring Criminal Misc. Application No.1 of 2025 for substitution of legal representative in the R/Criminal Revision Application No.204 of 2020 and for want of prosecution.

9. It is clarified that this Court has not examined the merits of the case, and the present applications are being dismissed solely on account of the aforesaid non-compliance.

10. Registry shall communicate this order to the concerned Trial Court forthwith for information and for taking such steps as may be permissible in accordance with law.

(S. V. PINTO,J)

F.S.KAZI

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: KAZI FARUKHUSEN(HC01075), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 20/08/2026 14:17:23