IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL REVISION APPLICATION (AGAINST ORDER PASSED BY SUBORDINATE COURT) NO. 3266 of 2026

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RANJEETBHAI GANPATBHAI VAGHELA

Versus

STATE OF GUJARAT & ANR.

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Appearance:
MR VICKY B MEHTA(5422) for the Applicant(s) No. 1
MR NIRAJ SHARMA, APP for the Respondent(s) No. 1
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CORAM:**HONOURABLE MR. JUSTICE R. T. VACHHANI**

Date : 06/11/2026

ORAL ORDER

1. ***RULE***. Learned APP waives service of notice of rule on behalf of respondent – State.

2. The brief facts, as emerging from the record, are that the respondent No. 2-complainant had filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 against the present petitioner before the learned Additional Judicial Magistrate First Class, Ahmedabad (Rural) at Dholka. Pursuant thereto, Criminal Case No. 2554 of 2022 came to be registered. After trial, by judgment and order dated 26.02.2026, the learned Trial Court convicted the petitioner for the offence under Section 138 of the NI Act, invoking the provision of Section 255(2) of the Code of Criminal Procedure, 1973, and sentenced him to undergo simple imprisonment for a period of one year and to pay compensation of ₹7,50,000/- (Rupees Seven Lakh Fifty Thousand only), and in default of payment of compensation, to undergo further simple imprisonment for a period of three months.

3. Being aggrieved and dissatisfied with the said judgment and order of conviction and sentence, the petitioner preferred Criminal Appeal No. 85 of 2026 before the learned 8th Additional District and Sessions Judge, Ahmedabad at Dholka under Section 415 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Along with the appeal, an application under Section 389(3) of the Code of Criminal Procedure, 1973 (and the corresponding provision of the BNSS) was moved seeking suspension of the sentence.

4. By the impugned order dated 23.03.2026, the learned Appellate Court partly allowed the said application, suspended the order of sentence as well as the conviction, but directed the petitioner to deposit 25% of the amount of compensation awarded by the Trial Court as a precondition, within a stipulated period of 60 days.

5. Being aggrieved by and dissatisfied with the said precondition of deposit of 25% of the compensation amount, the petitioner has preferred the present revision application.

6. Heard the learned advocate for the petitioner and the learned advocates appearing for the respondents.

7. The main thrust of the submissions advanced by the learned advocate for the petitioner is that the Appellate Court ought not to have directed deposit of 25% of the compensation amount, which also includes and covers under the purview of the order of sentence. It is fairly submitted that the petitioner, at the most, may be directed to deposit 20% of the cheque amount instead of 25% of the compensation amount. The learned advocate has further submitted that the petitioner is ready and willing to deposit 20% of the cheque amount.

8. Considering the nature of the offence under Section 138 of the NI Act, the stage of the proceedings, the submissions advanced by the learned advocate for the petitioner, and the fact that the petitioner has shown his readiness and willingness to deposit 20% of the cheque amount, this Court is of the view that the impugned order dated 23.03.2026 passed in Criminal Appeal No. 85 of 2026 is required to be modified to the aforesaid limited extent.

9. In view of the aforesaid, the present Criminal Revision Application stands allowed. The order dated 23.03.2026 passed by the learned 8th Additional District and Sessions Judge, Ahmedabad at Dholka in Criminal Appeal No. 85 of 2026 is modified to the extent, subject to the petitioner-appellant shall deposit 20% of the cheque amount, instead of 25% of the compensation amount, within a period of 2 weeks from today, before the concerned Trial Court, followed by production of receipt on record. The remaining part of the order dated 23.03.2026 shall remain as it is.

10. Direct service is permitted. Rule is made absolute to the aforesaid extent. The present application is disposed of accordingly.

(R. T. VACHHANI, J)

MVP

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MITESH VIJAYBHAI PANCHAL(HCD0065), ENGLISH STENOGRAPHER GRADE TWO CLASS TWO, at High Court of Gujarat on 06/11/2026 17:54:50