

(2023) 01 GUJ CK 0079
In the Gujarat High Court

Case No : R/Criminal Revision Application No. 40 Of 2023

Bharatbhai Kishorbhai Motwani

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 17-01-2023

Acts Referred:

Negotiable Instruments Act, 1881 — Section 138

Citation : (2023) 01 GUJ CK 0079

Hon'ble Judges : Umesh A. Trivedi, J

Bench : Single Bench

Advocate : Tarun H Rawat, Khyati M Punjabi, Divyangna Jhala

Judgement

Umesh A. Trivedi, J

[1] Heard Mr. Tarun Rawat, learned advocate for the petitioner. He has submitted, on instructions, that petitioner – accused is ready and willing to deposit cheque amount, which is Rs.37,932/-, today only. He has further submitted that for an offence under Section 138 of the Negotiable Instruments Act, 1881, he is ordered to undergo simple imprisonment for a period of 40 days and he is ordered to pay compensation of the cheque amount within 30 days of the order passed by the learned Magistrate i.e. 12.12.2019.

[2] The said order has come to be confirmed by the Appellate Court. He has further submitted that since the petitioner is already taken into custody the day on which the Appellate Court has passed an order dismissing the appeal i.e 09.01.2023, on deposit of the aforesaid amount, he be released on bail.

[3] Considering the same, issue NOTICE returnable on 2nd March, 2023, only on condition that the petitioner deposits the aforesaid amount today.

[4] Learned APP Ms. Jhala, waives service of notice for and on behalf of the respondent – State.

[5] If aforesaid amount is deposited, the petitioner – accused is hereby ordered

to be released on bail on the terms and conditions that may be imposed by the Trial Court.

[6] Registry is hereby directed to intimate the Trial Court about deposit or non deposit of the aforesaid amount, guiding it for the purpose of execution of the present order regarding bail. If amount is not deposited, as aforesaid, the petitioner – accused is not to be released on bail

Direct service is permitted.