

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 1797 of 2024****With****R/CRIMINAL REVISION APPLICATION NO. 1798 of 2024**

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RAJKUMAR SANTOSHI**Versus****STATE OF GUJARAT & ANR.**

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Appearance:**MR. BHADRISH RAJU, ADVOCATE with MR. NIMIT Y SHUKLA(8338) for
the Applicant(s) No. 1****MR. HARDIK MEHTA,APP for the Respondent(s) No. 1****MR. ASHIM PANDYA, SENIOR ADVOCATE with MR. PRATIK Y. JASANI for
Respondent No.2**

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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY**Date : 02/12/2024****COMMON ORAL ORDER**

1. Learned Advocate Mr. Bhadrish Raju appearing for the Applicant submits that the Applicant has already deposited Rs. 6 Lacs before the learned Sessions Court at the time of filing an Appeal against conviction and the Applicant is ready and willing to deposit the remaining amount of Rs.16.5 Lacs before the Registry of this Court and Demand Draft to the said effect is also ready.

1.1 Learned Advocate Mr. Raju further submits that the Applicant shall have no objection if the Respondent herein is permitted to withdraw the amount deposited by the present Applicant, subject, however, to the final outcome of the present proceedings.

2. Learned Advocate Mr. Ashim Pandya appearing with learned Advocate Mr. Pratik Y. Jasani appears and states that he has received instructions to

appear on behalf of the Original Complainant and Mr. Jasani shall file his appearance before the Registry during the course of the day.

2.1 Registry to accept the Vakalatnama of learned Advocate Mr. Jasani and place it on record.

3. Issue Notice, returnable on 13.02.2025. Learned APP waives service of notice of Rule on behalf of the Respondent - State and learned Senior Advocate Mr. Ashim Pandya appearing with learned Advocate Mr. Pratik Y. Jasani waives service of Notice on behalf of the Original Complainant.

4. Learned Senior Advocate Mr. Ashim Pandya submitted that the present Applicant has not remained present before the learned Appellate Court even at the time of pronouncement of the final judgment in Appeal, and therefore, the Appellate Court had ordered to issue warrant of arrest against the present Applicant. Since the Applicant has not surrendered to the custody of the learned Trial Court, the sentence imposed upon him cannot be suspended for askals. He further submitted that, in the past also, there were instances on the part of the present Applicant to pressurize the Respondent - Complainant to settle the matter at his own terms. He therefore submitted that no discretionary relief should be granted to the Applicant at this stage.

5. After having argued the matter at length, learned Advocates appearing for the respective parties submitted that there is chance of settlement, and therefore, the matter should be referred to Mediation.

5.1 In view of the statement made by the learned Advocates for the respective parties, the matter is therefore ordered to be referred to Mediation. It will be open for the Applicant to join the Mediation virtually.

6. Having regard to the statement made by learned Advocate Mr. Bhadrish

Raju appearing for the Applicant in paragraph 1 and 1.1 above, there shall be ad interim relief in terms of paragraph 8(C) till the returnable date.

6.1 The Applicant shall deposit the amount of Rs.16.5 Lacs before the Registry of this Court within a period of one week from today.

7. It will be open for the Respondent - Original Complainant to withdraw the amount which is deposited by the present Applicant before the Registry of this Court, subject however, to the final outcome of the present proceedings.

7.1 The Respondent - Original Complainant shall file an undertaking to the effect that if he loses in the proceedings, he shall re-deposit the entire amount.

Direct service is permitted.

(M. R. MENGDEY,J)

J.N.W / 3 & 4