
(2021) 05 GUJ CK 0028

In the Gujarat High Court

Case No : R/Criminal Appeal No. 577 Of 2021, Criminal Misc.Application (For Suspension Of Sentence) NO. 1 Of 2021

Amitbhai Dayalbhai Makwana

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 13-05-2021

Acts Referred:

Indian Penal Code, 1860 — Section 114, 323, 324, 325

Citation : (2021) 05 GUJ CK 0028

Hon'ble Judges : Umesh A. Trivedi, J

Bench : Single Bench

Advocate : Chintan K Gandhi, Monali Bhatt

Final Decision : Allowed

Judgement

Umesh A. Trivedi, J

ORDER IN CRIMINAL APPEAL.

ADMIT.

Learned APP Ms. Monali Bhatt, waives service of notice of admission for and on behalf of the respondent â?" State.

ORDER IN CRIMINAL MISC. APPLICATION.

RULE returnable forthwith.

Learned APP Ms. Monali Bhatt, waives service of notice of rule for and on behalf of the respondent â?" State.

Mr. Chintan K. Gandhi, learned advocate for the applicants submitted that applicant No.2 - Dayalbhai Keshavbhai Makwana, who is convicted for an

offence under Section 324 of Indian Penal Code and instead of imposing the sentence, has been granted benefit of probation and therefore, his

application for suspension of bail is not pressed by learned advocate.

This application is, therefore, considered for suspension of sentence qua application No.1 only. Applicant No.1 is convicted for an offence under

Sections 323, 324, 325 read with 114 of IPC and maximum punishment imposed is of 2 years of rigorous imprisonment over the applicant.

Considering the sentence imposed upon the applicant No.1 as also the wisdom of the legislature empowering even convicting Court to grant bail to the

convict prisoner, if sentence is imposed up to 3 years, in my opinion, the sentence imposed upon the convict prisoner is required to be suspended and

he is required to be released on bail.

Since applicant No.1 is already released on bail by the Sessions Court after pronouncement of judgment and order dated 30.03.2021 on the ground that

he wants to prefer the appeal, sentence imposed upon applicant No.1 is hereby suspended and he is ordered to be released on bail on the same terms

and conditions and fresh bonds.

In view of above, this application stands allowed qua applicant No.1. Rule made absolute. Direct service today is permitted.