

(2021) 06 GUJ CK 0091

In the Gujarat High Court

Case No : Criminal Misc.Application (For Suspension Of Sentence) No. 1 Of 2020
In R/Criminal Appeal No. 686 Of 2020

Lalsingbhai Bhaljibhai Chopda

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 16-06-2021

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 147, 148, 336, 427, 436, 452, 504
Gujarat Police Act, 1951 — Section 135

Citation : (2021) 06 GUJ CK 0091

Hon'ble Judges : Paresh Upadhyay, J

Bench : Single Bench

Advocate : Naynavati S Jethva, Hardik Soni

Final Decision : Allowed

Judgement

Paresh Upadhyay, J

1. This is an application for suspension of sentence pending appeal.
2. The applicant is convicted by the Additional Sessions Judge, Mahisagar at Lunawada, vide judgment dated 07.01.2020 in Sessions case No.31 of 2017 & 32 of 2017. The conviction is under Sections 436, 147, 148, 149, 120B, 504, 452, 427 and 336 of the Indian Penal Code and Section 135 of the G.P. Act. By the said judgment, the applicant is ordered to undergo simple imprisonment maximum for a period of ten years. Fine is also imposed and in default thereof, simple imprisonment is also imposed.
3. The appeal is admitted by this Court vide order dated 29.07.2020.
4. Rule. Learned Additional Public Prosecutor waives service of notice of rule on behalf of the State.

5. Heard learned advocate for the appellant / applicant and learned Additional Public Prosecutor for the State.

6. Having heard learned advocates for the respective parties and having considered the totality, including the period spent in jail by the applicant by this time, this Court finds that, ends of justice would meet if the sentence is suspended during pendency of the appeal.

7. In view of above, the following order is passed.

7.1 This application is allowed.

7.2 It is ordered that the sentence imposed on the applicant by the Additional Sessions Judge, Mahisagar at Lunawada, vide judgment dated

07.01.2020 in Sessions case No.31 of 2017 & 32 of 2017 shall remain suspended during pendency of the appeal.

7.3 The applicant shall be released on bail on executing personal bond of Rs.10,000/- (Rupees Ten Thousand only) and one surety of the like amount before the trial Court.

7.4 Rule is made absolute in above terms. Registry to communicate this order to the concerned Court/ authority by Fax or Email forthwith.