

(2012) 09 GUJ CK 0052

In the Gujarat High Court

Case No : Criminal Miscellaneous Application No. 4107 of 2012 and Criminal Appeal No. 362 of 2012

Ravi Sureshbhai Bhatt

APPELLANT

Vs

State of Gujarat

RESPONDENT

Date of Decision : 14-09-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 389
Penal Code, 1860 (IPC) — Section 376

Citation : (2012) 09 GUJ CK 0052

Hon'ble Judges : M. R. Shah, J

Bench : Single Bench

Advocate : P.R. Abichandani and Mr. Minhaj M. Shaikh, for the Appellant; Shah Addl. Public Prosecutor, for the Respondent

Final Decision : Dismissed

Judgement

Honourable Mr. Justice M.R. Shah

1. Rule. Ms. Shah, learned Additional Public Prosecutor waives service of notice of Rule on behalf of the respondent State. With the consent of the learned advocates for the respective parties, the application is taken up for final hearing today. Present application u/s 389 of the Code of Criminal Procedure has been preferred by the applicant-original accused-convict to suspend the sentence imposed by the learned trial Court while convicting the applicant for the offences punishable u/s 376 of the Indian Penal Code and sentence to undergo 10 years R.I. and consequently to release him on bail.

2. After hearing the learned advocates for the respective parties, as this Court was not inclined to release the applicant on bail, Shri Abichandani, learned advocate for the applicant does not press the present application. However, has requested to reserve the liberty to submit the appropriate application afresh, if the appeal is not heard within reasonable time. Under the circumstances, present application is dismissed as not pressed. However, it is observed that within

reasonable time the appeal is not heard and the applicant has undergone sufficient sentence, it will be open for the applicant to submit the appropriate application for bail, which can be considered in accordance with law and on merits. Rule is discharged.