

(2021) 06 GUJ CK 0072
In the Gujarat High Court

Case No : R/Criminal Revision Application No. 325 Of 2021

Vijaybhai Hirabhai Parmar

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 11-06-2021

Acts Referred:

Citation : (2021) 06 GUJ CK 0072

Hon'ble Judges : Ilesh J. Vora, J

Bench : Single Bench

Advocate : Kartikkumar G Barot, Gaurang K Chauhan, Krina Calla

Final Decision : Allowed

Judgement

Ilesh J. Vora, J

1. Rule. Learned APP waives service of notice of rule for and on behalf of the respondent's State.

2. By way of prayer 6(B) of this application, the applicants' original accused are seeking suspension of sentence imposed vide judgment and order

dated 24.03.2021 passed by learned Sessions Judge, Bhavnagar passed in Criminal Appeal No.101 of 2017 confirming the conviction vide order dated

03.10.2017 passed by the learned 8th Additional Chief Judicial Magistrate, Bhavnagar in Criminal Case No.14 of 2016 and to release him on bail

during the pendency of the aforementioned Criminal Revision Application.

3. Mr. Kartikkumar Barot, learned advocate for the applicants submitted that the judgments passed by the the learned Sessions Judge as well as the

Judicial Magistrate are absolutely erroneous, unjust and improper and the same are passed without considering the facts and circumstances and

evidence on record. He further submitted that the final hearing of the present

revision application will take considerable time and therefore this Court may suspend the sentence imposed by the learned Courts below.

4. On the other hand, Ms. Krina Calla, learned APP has strongly opposed suspension of sentence and urged before this Court to dismiss the present application.

5. Heard learned advocate for the applicants and learned APP for the respondent's State.

6. Having heard learned advocates appearing for the respective parties and having gone through the materials available on record as well as perused the impugned judgment, this Court is of the considered opinion that present application requires consideration and prayer in terms of bail is allowed.

The sentence imposed by the judgment and order dated 24.03.2021 passed by learned Sessions Judge, Bhavnagar passed in Criminal Appeal No.101

of 2017, is hereby suspended pending hearing and final disposal of the Criminal Revision Application. The applicants shall be released on bail by

executing fresh bond of Rs.10,000/- (Rupees Ten Thousand Only) each and one surety of like amount to the satisfaction of trial Court on condition

that they shall proceed with the Criminal Appeal as and when it may be listed, and they shall surrender their passport, if having, before the learned trial

Court and shall not leave India without prior permission of this Court. Rule is made absolute to the aforesaid extent.

Direct service is permitted through e-mode.