

BEFORE THE PRINCIPAL DISTRICT & SESSIONS
JUDGE at PORBANDAR

Order Below Exh.5 in Criminal Appeal No.173/2026

1. Present appeal has been filed against judgment of conviction passed by the Learned Judicial Magistrate First Class, Ranavav in Criminal Case No.1017 of 2023 dated 04.06.2026 whereby the appellants have been held guilty for the offense punishable under Section-427, 114 & 504 of Indian Penal Code and following punishment is awarded:-

Section	:	427 & 114 of IPC	504 & 114 of IPC
Imprisonment & Fine	:	2 Years & Rs.5,000/- for each accused	2 Years & Rs.5,000/- for each accused
Imprisonment in default of Fine	:	3 Months.	3 Months.

2. It is submitted by the learned advocate of the appellants that the appellants have already deposited the amounts of fine imposed by the Learned Trial Court individually.
3. It is prayed that, the order of conviction recorded by the Learned Trial Court is not tenable and is likely to be reversed in appeal, therefore, till final hearing of present appeal order of sentence passed by the learned trial court to be suspended and the appellants may be released on bail.
4. It is further submitted that the Ld. trial Court has sentenced the appellants to different periods for each of the offences and specifically mentioned in the operative part of its order that sentences shall run consecutively and as a result of which the application filed by the appellants for stay of conviction and grant of bail till the period of filing of appeal, was rejected by Ld. trial Court, on the ground that

the term of sentences imposed upon the appellants exceeds more than three years. In this regard, Ld. Advocate for the appellants relies upon decision of Hon'ble Supreme Court in the case titled Manoj @ Panu Versus State of Haryana reported in AIR 2014 SC 644.

5. Ld. P. P. for the State submits that having regard to the fact that the appellants have been proved guilty for the above offences and considering the quantum of punishment prescribed by law, appropriate order may be passed.
6. I have perused the appeal memo and judgment passed by the trial court. Prima-facie it seems that, there are mix question of law and facts involved in present appeal, which would require detailed hearing after perusing record and proceedings of Learned Trial Court. It is pertinent to note that each appellant have deposited the amounts of fine before the Ld. trial Court. The appellants preferred an application for stay of conviction and for granting bail before the Ld. trial Court till the period of filing of an appeal; however, the said application was rejected by the Ld. trial Court on the premise that the appellants are sentenced different periods for each offences committed by them and thereby the term of sentences exceeds more than three years imprisonment. In this regard, Ld. Advocate for the appellants relies upon decision of Hon'ble Supreme Court in the case titled Manoj @ Panu Versus State of Haryana reported in AIR 2014 SC 644 in which it is held as under.

"We have heard the learned counsel for both the parties. The ground on which the appellant was awarded the sentence which was to run consecutively was due to the previous criminal record of the appellant for a similar type of offence of shooting in the court premises, which charge was proved as per Ex. P-1. This is the basis on

which the trial court considered the extenuating circumstances into consideration to impose punishment for offences committed by the appellant, sentencing him to different periods for each one of the offences committed by him. The sentences were ordered to run consecutively, and the same was upheld by the High Court in exercise of its appellate jurisdiction. In view of the aforesaid legal position laid down by this Court regarding concurrent and consecutive sentences, the sentences imposed upon the appellant for different offences to run consecutively under the IPC and the Arms Act, are erroneous in law, as the same are contrary to law laid down by this Court as per the cases referred to supra upon which reliance has been rightly placed by the learned senior counsel on behalf of the appellant".

7. The appellants herein are sentenced imprisonment and fine for the offence punishable under section-427, 114 & 504 of IPC. It is pertinent to note that the maximum term of punishment for an offense punishable under Section 427 of the IPC is imprisonment for two years, a fine, or both; the maximum term of punishment for an offense punishable under Section 504 of the IPC is imprisonment for two years, a fine, or both, whereas under Section 114 of the IPC, the maximum punishment is the same as the maximum punishment prescribed for the main offence committed. Therefore, the maximum term of punishment for the offence to be awarded is for three years imprisonment for the above mentioned offences. It is settled legal position that, when an accused is convicted in one case under different offences and sentenced to different terms of imprisonment under each such count, all such sentences are directed to run concurrently. The idea behind it is that the imprisonment to be suffered by him for one count of offence will, in fact and in effect be imprisonment for other counts as well. It appears that the Ld. Trial Court has not recorded any reason for directing the sentences to run concurrently and not concurrently.

8. In light of the above facts and circumstances of the case, quantum of sentence being not more than three years in each offence as well as considering the observations made by the Hon'ble Supreme Court in the above cited decision of Hon'ble Supreme Court in the case titled Manoj @ Panu Versus State of Haryana reported in AIR 2014 SC 644, following order is passed in view of the provisions of Sec.415 of B.N.S.S.

-// O R D E R \\\-

- (a) The implementation of Order of sentence for imprisonment passed by Learned Judicial Magistrate First Class, Ranavav in Criminal Case No.1017 of 2023 dated 04.06.2026, is hereby suspended and appellants are ordered to be granted bail till final disposal of this appeal, upon furnishing surety of Rs.25,000/- each and personal bond of like amount each before learned Trial Court with following conditions.

Conditions:-

1. Appellants shall remain present on each and every date of appeal regularly;
 2. shall surrender their passports or execute an affidavit declaring that they do not hold passport, within 7 days from the date of this order;
 3. shall furnish their addresses as well as the address of the surety along with authentic proof & contact number at the time of execution of bond and shall not change their residence without prior permission of the Court.
- (b) Yadi of this order be sent to the concerned Trial Court and police station.

Signed and pronounced in the open Court today
on this **6th DAY OF JUNE, 2026 at PORBANDAR.**

Date:- 06.06.2026
Place:- Porbandar

(**M. A. BHATTI**)
Principal District & Sessions Judge,
P O R B A N D A R
Code No. **GJ01506**