

GJSK010013432026 	Received on:	25.05.2026		
	Registered on:	25.05.2026		
	Decided on:	08.06.2026		
	Duration :	00	00	14
		Years	Months	Days

**IN THE COURT OF THE SESSIONS JUDGE
SABARKANTHA AT HIMMATNAGAR**

Exhibit _____

Criminal Misc. Application No. 566/2026

Applicant : **Harishkumar Manilal Patel**
Aged: 63 years,
Resi. Of: 134/Janakpuri Society, Khed Tasiya
Road, Nava Balvantpura,
Taluka : Himmatnagar,
District : Sabarkantha

V E R S U S

Opponent : **The State**

Appearance:

Mr. N.G. Zala, Learned Advocate for the Applicant
Mr. V.S. Parmar, Learned APP for the Opponent – State

APPLICATION FOR REFUND OF DEPOSIT AMOUNT

-:: J U D G M E N T ::-

[1] Brief facts of the present application:

The applicant/accused herein is alleged to have committed the offences under Sections 306, 114 of the Indian Penal Code and Section 33 (1), 40, 42 of the Gujarat Money Lenders Act, 2011. The offences in respect thereof have been registered with

Himmatnagar "A" Division Police Station vide Crime Registration Part A bearing No. I-72/2019.

The applicant herein has filed the present application to refund his deposit amount.

[2] Arguments

(a) By the Learned Advocate for the Applicant:

The learned advocate for the applicant/accused herein would advance his arguments in respect of present application stating that in the present case, applicants/accused herein have deposited Rs.1,00,000/- in the Court in cash of FDR before Nazir, District Court Sabarkantha at Himmatnagar as per condition No. 2 in Criminal Misc. Application No. 738/2025 passed by this Hon'ble Court. That the Hon'ble Court convicted the applicant herein in Sessions Case bearing No. 9/2021 vide judgment dated 18.09.2025. Aggrieved by the aforesaid judgment, the applicant preferred an appeal before the Hon'ble High Court vide Criminal Appeal No. 2569/2025, wherein the Hon'ble High Court has directed the suspension of the sentence during the pendency of the appeal and has granted bail to the applicant herein, subject to certain conditions. However, the order of bail does not include any condition requiring the furnishing of a passport. The applicant has accordingly moved this application seeking the release of the deposited amount.

(b) By the Learned Additional Public Prosecutor for the State:

Learned APP for the State would submit that the Honourable Court may pass the order as may be deemed fit.

[3] Considerations and reasons:

Regard being had to the contents of the application, it appears that according to the order dated 25.08.2025 passed by this Court in the Criminal Misc. Application No. 738 of 2025, the present applicant/accused has been allowed to proceed out of country that is America for social purpose by imposing certain conditions, out of which the condition No. 2 and 3, which are as under:

The applicant/accused herein is permitted to leave the limit of India and visit America for the period beginning from 01st September, 2025 to 15th October, 2025 for social purpose subject to the fulfillment of the conditions that are imposed hereinafter;

a) The applicant herein shall deposit Rs. 1,00,000/- (Rupees one lakh only) as deposit with Mr. Nazir, District Court, Sabarkantha at Himmatnagar;

b) The applicant/accused herein shall not utilize his passport for the travel beyond the said place and period for which permission being granted under this application;

c) The applicant/accused herein shall undertake to the Court that on account of his absence, trial of the present criminal case shall not be hampered or come to the halt and not dispute the identity of the accused at trial;

d) The applicant/accused herein shall constantly during the said tour make available his place of stay, his contact number and make himself available through such communication;

e) The trial shall go on and the applicant/accused herein shall not take any objection to the proceedings of the trial;

f) The applicant/accused herein shall immediately

surrender his passport before the Court on or before 20th day of October, 2025 on returning;

3. The applicant/accused herein is entitled to get his deposit amount returned on his being present and deposited the passport at the end of this period."

In compliance of said conditions, the present accused/applicant had deposited Rs.1,00,000/- before Mr. Nazir, District Court, Himmatnagar, which has been lying as it is vide 'C' Register FD No. 35/2025 with Canara Bank, Himmatnagar Branch. **However, it is pertinent to note that the applicant herein was required to surrender his passport to the Court on or before the 20th day of October, 2025. Upon compliance with this condition, the applicant would be entitled to recover his deposit amount. The applicant herein, however, failed to fulfill this obligation within the stipulated time frame, in this regard, the applicant submitted a pursis vide Exhibit-6, which has been taken on record.**

As the present applicant had convicted by this Court in Sessions Case No. 9/2021 vide judgment dated 18.09.2025 and aggrieved by the aforesaid judgment, he preferred an appeal before the Hon'ble High Court vide Criminal Appeal No. 2569/2025, wherein the Hon'ble High Court has directed the suspension of the sentence during the pendency of the appeal and has granted bail to the applicant herein, subject to certain conditions, out of which the condition No. 7, which is as under:

"7. The sentence imposed upon the applicants herein vide judgment and order impugned, stands suspended during the pendency of these appeals and the present applicants are ordered to be released on bail on furnishing personal bond of Rs. 10,000/- (Rupees ten thousand) each with one surety of like

amount to the satisfaction of the learned trial Court concerned, on the conditions that the applicants:

- (a) shall not take undue advantage of liberty or misuse liberty;*
- (b) shall not leave India without prior permission of this Court;*
- (c) shall furnish the present address of his/their residence with documentary evidence to the Court concerned at the time of execution of the bond;*
- (d) shall maintain law and order;*
- (e) shall not indulge in any activity leading to breach of public peace and tranquility;*
- (f) shall proceed with the Appeal as and when listed and shall not prolong the hearing of the same;*

The present order clearly contains that the applicant herein shall deposit his passport on or before 20th October, 2025. This order has not been complied with by the applicant herein. Non-compliance of the order took place on account of the ignorance or lapse on the part of the present applicant and he has greatly regretted for this non-compliance. Narrating his regret and apology, the applicant herein has passed the pursis vide Exhibit 6. In this pursis, he has tendered unconditional apology that that was the lapse which was made in ignorance of that specific condition. Since, the applicant herein has been tendering this unconditional apology, the animus in defraying the order seems to be absent. In the absence of such animus to flout the order of the Court and tendering unconditional apology, the Court has to have some leniency in imposing any sort of penalty in that regard. The applicant herein has though tendered unconditional apology, but it is the duty of any litigant to follow letter and spirit the conditions imposed by the Court. For such a lapse, the cost to be imposed as specified in the operative part of the order of the present proceedings, hence, the following order is hereby

passed.:

-:: O R D E R ::-

- 1) The present application filed below Exhibit-01 stands allowed, subject to depositing an amount of **Rs.500/- (Rupees Five Hundred only)** in District Legal Services Authority, Sabarkantha at Himmatnagar.
- 2) The Nazir is directed to pay total **Rs.1,00,000/- (Rupees Thirty Five Thousand only)** in Criminal Misc. Application No. 738/2025, which is deposited by the applicant/accused viz. **Harishkumar Manilal Patel** vide 'C' Register **FD No. 35/2025** bearing **FD A/c No. 140254616730/1**, lying with Canara Bank, Himmatnagar Branch by NEFT / RTGS in the account of the said applicants herein after due verification.
- 3) Yadi be sent to the Canara Bank, Himmatnagar Branch accordingly.

The order is pronounced in the open Court on the **08th** day of June, **2026** under my hand and seal.

Date: 08/06/2026
Place: Himmatnagar

[Kanubhai R. Rabari]
Sessions Judge
Sabarkantha at Himmatnagar
UIC No. GJ 00477

*Pramod S. Goyal****