

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION) NO. 475
of 2026**

=====

RAJU NIRAHU GAUTAM
Versus
STATE OF GUJARAT

=====

Appearance:
KRUNAL S MEHTA(9227) for the Applicant(s) No. 1
MR. UTKARSH SHARMA, APP for the Respondent(s) No. 1

=====

CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL

Date : 26/02/2026

ORAL ORDER

1. Heard, learned advocate for the applicant.
2. By way of present Criminal Revision Application, the applicant has assailed the judgment and order dated 17.11.2025 passed in Criminal Appeal No. 101 of 2025 by the learned 2nd Additional Sessions Judge, Vapi, District – Valsad, whereby learned Session Judge partly allowed the appeal against the order dated 18.08.2025 passed by the learned 2nd Additional Chief Judicial Magistrate, Vapi, District – Valsad, in Criminal Case No.15289 of 2024, whereby, the applicant is convicted for the offences punishable under Sections 305(A), 331(2) and 331(4) of the Bharatiya Nyaya Sanhita, 2023 and sentenced to imprisonment with fine.
3. Having heard and considering the averments made in the

present application, issue **Rule**. Learned Additional Public Prosecutor waives service on behalf of respondent – State.

3.1 Considering the fact that CCTV footage was produced in the pen-drive which was collected from the recording in N.V.R. and given the certificate under Section 64(4)C of Bhartiya Sakshya Adhiniyam, 2023. That, the allegation against the present applicant is to the effect that he had committed theft from the shop of the original complainant at approximately 2 a.m. at the midnight on 15.09.2024 by breaking and opening the shutter of the shop in the name and style of Mahendra Ambalal Patel and committed theft of Rs.85,000/- for that the applicant is convicted and sentenced to simple imprisonment for seven years with fine of Rs.1000/- under Section 305(A), applicant also sentenced to simple imprisonment for three years with fine of Rs.1000/- under Section 331(2), and applicant also sentenced to simple imprisonment for five years with fine of Rs.1000/- under Section 331(4) of BNS, 2023 and in default of the fine further to undergo three months simple imprisonment, however, all the said conviction ordered to be run concurrently.

3.2 The appellate court, however, acquitted the original accused No.2 – Ashokkumar Jogindarsing Sudan. However, Learned Additional Public Prosecutor could not point out as to whether, the State has preferred any revision application against the acquittal of the said accused by the first appellate court.

3.3. Be that as it may, the fact remains that the owner of the shop – the complainant himself has not produced the certificate under Section 65(B) of the Bhartiya Sakshya Adhiniyam, 2023, for the admissibility of the electronic records in view of the judgment in the case of **Arjun Panditrao Khotkar vs. Kailash Kushanrao Gorantyal and Ors.**, reported in **AIR 2020 Supreme Court 4908**, an arguable case is made out.

3.4. Further considering the fact that the present conviction is a fixed/short sentence and there is no likelihood of the revision application being heard in near future and that, a *prima facie* case is made out in favour of the present applicant, and further, the learned Additional Public Prosecutor could not point out any compelling circumstances against suspension of sentence pending revision application, the sentence imposed upon the applicant herein *vide* judgment and orders impugned in this revision application, is suspended. The applicant be released on bail by executing a personal bond of Rs.10,000/- (Rupees Ten Thousand) with one surety of the like amount to the satisfaction of the trial Court concerned, on the conditions that applicant:

- (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 residence with

documentary evidence to the Court concerned at the time of execution of the bond;

- (d) shall proceed with the Criminal Revision Application as and when listed and shall not prolong the hearing of the same.

4. Direct service is permitted.

(P. M. RAVAL, J)

NITIN MAKWANA

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: NITIN INDRAVADAN MAKWANA(HCW0110), ENGLISH STENOGRAPHER GRADE I, at High Court of Gujarat on 27/02/2026 11:15:27