

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL APPEAL (AGAINST CONVICTION) NO. 413 of 2026**

With
**CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE) NO.
1 of 2026**
In R/CRIMINAL APPEAL NO. 413 of 2026

=====

ZALA DIGHUBHA S/O BHUPATSINH MEDHJI & ORS.

Versus
STATE OF GUJARAT

=====

Appearance:

MR KAMLESH S KOTAI(6150) for the Appellant(s) No. 1,2,3

MR. ADITYA JADEJA, APP for the Opponent(s)/Respondent(s) No. 1

=====

CORAM: HONOURABLE MS. JUSTICE GITA GOPI

Date : 24/02/2026

ORAL ORDER

ORDER IN CRIMINAL APPEAL:

Admit. Learned APP waives service of admission for
and on behalf of the respondent State.

ORDER IN CRIMINAL MISC. APPLICATION:

1. **RULE.** Learned Additional Public Prosecutor appears
and waives service of rule on behalf of the respondent-State.
2. By way of the present application under Section 430 of
the Bharatiya Nagarik Surakhsha Sanhita, 2023, the
applicants - accused are seeking suspension of sentence and

release on regular bail during pendency of the present appeal against the judgment and order of conviction dated 23.01.2026 passed in Sessions Case No. 25/2016 by the learned 2nd Additional Sessions Judge, Jamnagar, whereby, the present applicants - accused were sentenced to three years rigorous imprisonment and fine of Rs. 10,000/- each and in default, six months simple imprisonment for the offence punishable under Section 326 read with Section 149 of Indian Penal Code, one year rigorous imprisonment and fine of Rs. 5,000/- each and in default, three months simple imprisonment for the offence punishable under Section 323 read with Section 149 of Indian Penal Code. Both the sentences were ordered to run concurrently.

3. Learned advocate Mr. Kamlesh Kotai submitted that the applicants accused No.1, 2 and 4 were convicted during the trial and after the judgment, the learned Sessions Court has suspended the sentence to permit the applicants to file the appeal within a period of one month and the last date of suspension was 23.02.2026. Learned advocate Mr. Kamlesh Kotai further referring to the receipts issued by the Nazir

Department of the Sessions Court, Jamnagar has stated that the fine amount which comes in a total of Rs.15,000/- for each applicants, has been paid and has stated that the conviction under Section 326 is for a period of three years rigorous imprisonment and under Section 323 is for a period of one year rigorous imprisonment. Both the sentences were ordered to run concurrently with the benefit to set off granted to the applicants.

4. Learned APP, Aditya Jadeja submitted that the applicants are required to surrender first before making any prayer for suspension and stated that necessary conditions are required to be laid down so that the applicants would be available as and when the appeal will be called out for the hearing.

5. Having considered the fact that the applicants were on bail during the trial and the learned Sessions Judge had already suspended the sentence for filing the appeal and also the fact that the applicants have deposited the amount of fine and taking into consideration the period of

sentence and the facts of the case, the order of sentence passed by the 2nd Additional Sessions Judge, Jamnagar in Sessions Case No. 25/2016 stands suspended till the final disposal of this appeal and the applicants are ordered to be released on bail on furnishing personal bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with surety of the like amount to the satisfaction of the trial court and on the following conditions that the applicants;

- (i) shall not take undue advantage of liberty or misuse liberty;
- (ii) shall furnish the present address of his residence to the Court concerned at the time of execution of the bond;
- (iii) shall maintain law and order;
- (iv) shall not indulge in any activity leading to breach of public peace and tranquility;
- (v) shall deposit the entire amount of fine, if not paid, within a period of four weeks from the date of this order;
- (vi) the applicants shall be released if not required in any other case.

6. In view of the above, the present application stands disposed of. Rule is made absolute to the aforesaid extent. Direct service is permitted. Registry to inform the order to

the concerned Trial Court Judge expeditiously.

ROHAN SONI

(GITA GOPI,J)

Original copy of this order has been signed by the Hon'ble Judge.

Digitally signed by: ROHAN SONI(HC02356), ENGLISH STENO GRADE-II\, at High Court of Gujarat on 24/02/2026 15:35:59