

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**R/CRIMINAL APPEAL (AGAINST CONVICTION) NO. 347 of 2026**  
**With**  
**CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE)**  
**NO. 1 of 2026**  
**In R/CRIMINAL APPEAL NO. 347 of 2026**

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SHAILESHBHAI KANJIBHAI CHAUDHARY  
Versus  
STATE OF GUJARAT  
=====

Appearance:  
MR TUSHAR CHAUDHARY(5316) for the Appellant(s) No. 1  
MR ADITYA JADEJA, APP for the Opponent(s)/Respondent(s) No. 1  
=====

**CORAM:HONOURABLE MS. JUSTICE S. V. PINTO**

**Date : 16/02/2026**

**ORAL ORDER**

**ORDER IN CRIMINAL APPEAL :**

Heard learned advocate Ms.Urja B. Dave for the appellant and learned APP Mr. Aditya Jadeja for the respondent - State.

Admit. Learned APP Mr. Aditya Jadeja waives service of notice of admission for the respondent – State.

**ORDER IN CRIMINAL MISC. APPLICATION :**

**1.** Rule. Learned APP Mr. Aditya Jadeja waives service of notice of rule for the respondent – State.

**2.** By way of present application under Section 430 of the BNSS, the applicant - accused is seeking suspension of sentence and release on regular bail during pendency of the present appeal against the judgment and order of conviction passed by the learned Sessions Judge, District Banaskantha @ Palanpur in Sessions Case No. 84 of 2024 on 31.01.2026, whereby, the applicant - accused is sentenced to rigorous imprisonment of 03 years and fine of Rs.5,000/-, and in default, imprisonment of 01 month for the offence punishable under Section 333 of the IPC and rigorous imprisonment of 06 months and fine of Rs.1,000/-, and in default, imprisonment of 15 months for the offence punishable under Section 323 of the IPC. The learned Trial Court was further pleased to order that both the sentences were to run concurrently.

**3.** Heard learned advocate for the applicant and learned APP for the respondent – State.

**4.** Learned advocate for the applicant – accused submits that the sentence is for a fixed period of 3 years by the impugned judgment and order dated 31.01.2026 and on the

very day, the applicant has filed an application below Exh.84 for suspending the sentence to file appeal and accordingly, the learned Trial Court has allowed the said application and has suspended the sentenced for a period of 30 days. Learned advocate further submits that the present appeal is not likely to be heard in near future and hearing of the same would take a long time, and hence, no purpose would be served by keeping the applicant in jail for indefinite period with hardened criminals. The applicant has a good case on merits and hence, the order of the sentence may be suspended and the applicant may be released on regular bail on appropriate terms and condition.

5. Learned APP for the State has objected to the present application to grant suspension of sentence and has submitted that the order of sentence is just and proper and no interference is required in the order passed by the learned Trial Court, and hence, present application may be rejected.

6. At this juncture, it would also be fit to refer to the judgment of the Apex Court in the case **Bhagwan Rama Shinde**

**Gosai Vs. State of Gujarat** reported in (1999) 4 SCC 421, wherein, it has been held that when the sentence is for a fixed period, the appellate Court finds that due to practical reasons such appeal cannot be disposed of expeditiously the appellate Court must be bestow special concern in the matters of suspending the sentence and without entering into the merits of the case, this court is of the opinion that the application requires consideration and accordingly, is allowed. The execution of the sentence in the judgment and order of conviction passed by the learned Sessions Judge, Lunawada, District Mahisagar Sessions Case No. 42 of 2024 on 12.01.2026 is suspended during pendency of the criminal appeal and the applicant is ordered to be released on bail on furnishing personal bond of Rs.10,000/- (Rupees Ten Thousand Only) with one surety of the like amount to the satisfaction of the trial court and on the following conditions:

- (i) shall not take undue advantage of liberty or misuse liberty;
- (ii) shall not leave India without prior permission of this Court;
- (iii) shall furnish the present address of his residence to the Court concerned at the time of execution of

the bond and shall not change the residence without the prior permission of this Court;

- (iv) shall maintain law and order;
- (v) shall deposit the amount of fine, if not deposited, within four weeks.

**7.** Rule is made absolute. Direct service is permitted.

F.S. KAZI

**(S. V. PINTO,J)**