

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR RESTORATION) NO. 6861
of 2026**

In

R/CRIMINAL APPEAL/734/2021

=====
RAJENDRABHAI PRAVINBHAI LAXMANBHAI DABHI

Versus

STATE OF GUJARAT
=====

Appearance:

A R KADRI(7330) for the Applicant(s) No. 1

MR ADITYA JADEJA, APP for the Respondent(s) No. 1
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CORAM:HONOURABLE MS. JUSTICE S.V. PINTO

Date : 23/03/2026

ORAL ORDER

1. Rule. Learned APP waives service of rule for and on behalf of the respondent State.

2. This application is preferred seeking restoration of Criminal Appeal No. 734 of 2021 and the connected application for suspension of sentence, which came to be dismissed for non-removal of office objections vide order dated 10.10.2024.

3. Heard learned advocate for the applicant and learned Additional Public Prosecutor for the respondent-State.

4. From the record, it clearly emerges that the criminal

appeal was dismissed purely on procedural grounds, namely non-removal of office objections, and not on merits. It is also an admitted position that prior to such dismissal, this Court had passed a judicial order suspending the sentence and enlarging the applicant on bail during pendency of the appeal.

5. The explanation tendered by the applicant for non-removal of office objections indicates a procedural lapse, which cannot be said to be deliberate or contumacious. It is a settled principle of law that procedural rules are handmaids of justice and cannot be allowed to defeat substantive rights.

6. The Hon'ble Supreme Court in **Rafiq & Anr. Vs. Munshilal & Anr., (1981) 2 SCC 788**, has held that a litigant should not suffer on account of procedural lapses, and in **Collector, Land Acquisition, Anantnag Vs. Mst. Katiji, (1987) 2 SCC 107**, it is emphasized that Courts should adopt a justice-oriented approach while dealing with procedural defaults.

7. In the present case, the applicant stands convicted under the provisions of the Prevention of Corruption Act, and

the matter involves the valuable right of appeal and personal liberty. The appeal raises arguable issues and has never been examined on merits. If the appeal is not restored, the applicant would suffer irreparable prejudice on account of a technical lapse.

8. Further, once an order of suspension of sentence is passed by a competent court, the same cannot be rendered nugatory merely due to procedural dismissal of the appeal, unless the appeal is decided on merits or the order of bail is specifically cancelled.

9. At the same time, this Court cannot lose sight of the fact that the dismissal occurred due to the applicant's failure to comply with office requirements. Hence, restoration deserves to be balanced with imposition of reasonable costs.

10. In view of the above, the present application for restoration stands allowed subject to the applicant depositing cost of Rs. 5,000/- (Rs. Five Thousand Only) with the Gujarat High Court Legal Services Committee within 15 days from today. The order dated 10.10.2024 dismissing Criminal Appeal

No. 734 of 2021 and the connected application for suspension of sentence for non-removal of office objections is hereby recalled and set aside.

11. It is clarified that in case of failure either to remove the office objections or to deposit the cost within the stipulated time, the matter be listed before this Court for further orders.

12. Criminal Appeal No. 734 of 2021 is restored to its original file.

13. The order dated 28.07.2021 granting suspension of sentence and bail to the applicant is revived and shall continue to operate on the same terms and conditions, subject to removal of all office objections within 15 days from today.

14. Rule is made absolute.

F.S. KAZI

(S. V. PINTO,J)