

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION) NO. 703
of 2026
With
CRIMINAL MISC.APPLICATION (REGULAR BAIL) NO. 1 of 2026
In R/CRIMINAL REVISION APPLICATION NO. 703 of 2026**

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PYARASING CHENSING SIKLIGAR TANK

Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR BHUNESH C RUPERA(3896) for the Applicant(s) No. 1

MR BHARGAV PANDYA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE GITA GOPI

Date : 10/03/2026

COMMON ORDER

Order in CR.RA:-

1. By way of this application, the challenge is given to the order of sentence dated 13.2.2023 passed by the learned JMFC, Dantivada in Criminal Case no.63/2015 (Old Criminal Case no.141/2002), which was upheld and confirmed by order dated 3.3.2026 passed by the learned 7th Additional Sessions Judge, Deesa, Banaskantha in Criminal Appeal no.17/2023.
2. Mr. Rupera, learned advocate for the applicant has submitted that there is no recovery of alleged gold chain and the cash amount worth Rs.1,500/- and 18 numbers of pig were alleged to be looted and therefore, the applicant was acquitted under Section 394 of the IPC. Further, the learned Trial Court Judge considered the case under Section 341 of IPC of wrongful

restraint and wrongful confinement under Section 342 of IPC and thus, has convicted and sentenced the applicant, where the trial was against four of them and three have died and two were abated during the trial and accused no.4 also died.

3. Mr. Bhargav Pandya, learned APP, resisting submissions of learned advocate Mr. Rupera for the applicant, submitted that recovery of Muddamal would not make the gravity of the offence lesser, where the actual case of wrongful restraint and wrongful confinement has been proved and taking into consideration the sentence, learned APP submitted that the accused – revisionist should be ordered to undergo the sentence.
4. Having heard the learned advocates appearing for the respective parties and considering the averments made in the application, it appears that Muddamal articles have not been recovered. The case as decided by the learned Trial Court and subsequently affirmed by the learned Appellate Court is of wrongful restraint and wrongful confinement, which would require hearing on merits. Taking into consideration the facts and circumstances of the case the Revision Application will take its own time to conclude.
5. Hence, **RULE**. Learned APP waives service of notice of Rule on behalf of respondent–State.

Order in CR.MA:-

1. RULE. Learned Additional Public Prosecutor waives service of notice of Rule on behalf of respondent–State.
2. By way of this application, the challenge is given to the order of sentence dated 13.2.2023 passed by the learned JMFC, Dantivada in Criminal Case no.63/2015 (Old Criminal Case no.141/2002), which was upheld and confirmed by order dated 3.3.2026 passed by the learned 7th Additional Sessions Judge, Deesa, Banaskantha in Criminal Appeal no.17/2023.
3. Mr. Rupera, learned advocate for the applicant submits that there is no recovery of alleged gold chain and the cash amount worth Rs.1,500/- and 18 numbers of pig were alleged to be looted. It was, therefore, prayed that the present application may be allowed and the sentence qua the applicant herein may be suspended and the applicant be granted bail.
4. Learned Additional Public Prosecutor prayed that no discretion may be exercised in favour of the applicant.
5. Heard learned advocates appearing for the respective parties and perused the material on record. Taking into consideration the facts and circumstances of the case and when the Revision Application will take its own time to come for final hearing, the order of sentence requires consideration.

6. In view of the above, the order of sentence dated 13.2.2023 passed by the learned JMFC, Dantivada in Criminal Case no.63/2015 (Old Criminal Case no.141/2002), which was upheld and confirmed by order dated 3.3.2026 passed by the learned 7th Additional Sessions Judge, Deesa, Banaskantha in Criminal Appeal no.17/2023 are suspended till disposal of the Revision on applicant's furnishing personal bond of Rs.10,000/- (Rupees ten thousand only) and a surety of like amount to the satisfaction of the Trial Court concerned and subject to the conditions that the applicant shall:-
- [a] pursue the matter scrupulously as and when the same is listed;
- [b] not take undue advantage of liberty or misuse liberty;
- [c] not leave India without prior permission of the Court;
7. If breach of any of the above conditions is committed, the Sessions Judge concerned will be free to issue warrant or take appropriate action in the matter.
8. Accordingly, the present application is allowed in the above terms. Rule is made absolute to the aforesaid extent. Direct service is permitted. Registry to communicate this order to the concerned Court/authority by Fax or Email forthwith.

Maulik

(GITA GOPI,J)