

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION) NO. 781
of 2026**

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NATVARBHAI POPATBHAI PATTANI & ORS.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR A N ANJARIA(13538) for the Applicant(s) No. 1,2,3

MR NIRAD D BUCH(4000) for the Applicant(s) No. 1,2,3

MRS. BHAVINI N. BUCH(5403) for the Applicant(s) No. 1,2,3

MS JYOTI BHATT APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE GITA GOPI**Date : 23/03/2026****ORDER**

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 concurrent findings of conviction and sentence under Sections 325, 323 of the Indian Penal Code.
3. Learned Advocate Mr. Nirad Buch submitted that the petitioners are three accused who came to be convicted by judgment passed by the learned 7th Additional Chief Judicial Magistrate, Ahmedabad (Rural) dated 22.11.2024 in Criminal Case No.4003 of 2001 and the conviction was upheld by the learned 10th Additional

Sessions Judge, Ahmedabad (Rural) on 21.02.2026 in Criminal Appeal No.331 of 2024.

- 3.1 Learned Advocate Mr. Nirad Buch submitted that actually there were four accused, one of them has died. The role attributed to accused no.1 is of injury with iron pipe, accused no.2 with wooden log and the accused no.3 and deceased accused no.4 have been attributed to caused injury with the kick and fist blows.
- 3.2 Referring to the facts of the case, advocate Mr. Buch stated that the alleged incident is stated to have taken place at mid-afternoon at 12'0 clock, while the injured have gone for medical treatment at 5'0 clock and that too, without any Police Yaadi and the complaint had been filed on the next day, while there is no explanation for the delay in filing the complaint.
- 3.3 Learned Advocate Mr. Nirad Buch stated that the facts suggest that the injury sustained was on the public road and injury was sustained from the rear side, while during the course of the trial, it was stated that from front the assault was made. Advocate Mr. Buch stated that though the iron pipe has been attributed to accused no.1 and has been alleged of injury on the head, there is injury but no fracture of the head, while the fracture is referred to in the hand and referred in the fingers and the wrist, which could have occurred even during the scuffle and

further, stated that the fracture of the nose has been referred and also stated that though the incident has been alleged to have take place in a public place, no independent person has been examined to corroborate the facts of the injured.

3.4 Countering the arguments, learned APP Ms. Jyoti Bhatt submitted that the accused had the intention to cause grave injury and therefore, the injury was with the iron pipe on the head. The victim sustained injury which were required to be stitched for treatment and further submitted that all the injuries are fractures which would fall under definition of grievous injury. APP Ms. Bhatt submitted that the punishment, considering the injury, is proportionate and appropriate and thus submitted that the accused to be directed to serve the sentence.

3.5 Having considered the submission referred and the history before the doctor and the fact that there has been delay in filing the FIR, and the matter would require hearing on merits.

4. In view of the above, the order of sentence dated 22.11.2024 passed by the learned 7th Additional Chief Judicial Magistrate, Ahmedabad (Rural) in Criminal Case no.4003 of 2001 which was upheld and confirmed by order dated 21.02.2026 passed by the learned 10th Additional Sessions Judge, Ahmedabad (Rural) in

Criminal Appeal no.331 of 2024 are suspended till disposal of the Revision and the applicants are ordered to be released on bail on executing a 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 applicants 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;
- [d] surrender the passport, if any, before the Trial Court concerned within a week;

5. Direct service is permitted. Registry to communicate this order to the concerned Court/authority by Fax or Email forthwith.