

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION NO. 725 of 2022**

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ALPESHBHAI SURESHBHAI PATEL

Versus

STATE OF GUJARAT

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Appearance:

MR.KARNA H DHOMSE(6684) for the Applicant(s) No. 1

for the Respondent(s) No. 2

MR RC KODEKAR, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE SAMIR J. DAVE****Date : 26/07/2022****ORAL ORDER**

By preferring this application, applicant has requested to quash and set aside the judgment and order dated 12.04.2022 passed by learned 10th Additional District Judge, Vadodara in Criminal Appeal No. 20 of 2021 as well as judgment and order dated 27.02.2020 passed by learned 21st Additional Senior Civil Judge and Additional Chief Judicial Magistrate, Vadodara in Criminal Case No. 27883 of 2014 and acquit him for the charges levelled against him as well as release him on bail during the pendency of the present revision application.

Heard learned advocate for the applicant.

It was submitted by learned advocate for the applicant that orders passed by the lower courts are against the cardinal principle of law and against the provisions of the Act. The order of sentence has been passed by the learned Judge on the solely based on a wrong interpretation of the Act and there is total non application of mind.

Learned advocate for the applicant submits that the applicant is ready and willing to deposit Rs. 1,00,000/- (Rupees One lac only) before the learned Sessions Court, Vadodara within a period of four weeks.

Rule returnable on 20.09.2022. Learned APP waives service of notice of rule for and on behalf of the respondent No.1-State.

Interim relief in terms of Para 9(C) of this application stands granted.

During the hearing and final disposal of the present revision application, the sentence imposed upon the applicant vide judgment and order dated 12.04.2022 passed by learned 10th Additional District Judge, Vadodara in Criminal Appeal No. 20 of 2021 as well as judgment and order dated 27.02.2020 passed by learned 21st Additional Senior Civil Judge and Additional Chief Judicial Magistrate, Vadodara in Criminal Case No. 27883 of 2014 stands suspended and applicant is ordered to be released on bail on same terms and conditions as were prescribed by the trial Court; but with fresh bail bond and surety.

(SAMIR J. DAVE,J)

K. S. DARJI