

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL APPEAL (AGAINST CONVICTION) NO. 875 of 2026****With****CRIMINAL MISC.APPLICATION (FOR STAY) NO. 1 of 2026****In R/CRIMINAL APPEAL NO. 875 of 2026**

=====

BHANUBEN W/O JESABHAI DAYABHAI DHRANGIYA**Versus****STATE OF GUJARAT**

=====

Appearance:**MR ROHAN G VAGHELA(12034) for the Appellant(s) No. 1****MS. C.M. SHAH, APP for the Opponent(s)/Respondent(s) No. 1**

=====

CORAM:HONOURABLE MS. JUSTICE S.V. PINTO**Date : 22/04/2026****ORAL ORDER****ORDER IN CRIMINAL APPEAL:**

Admit. Learned APP waives service of admission for and on behalf of the respondent State.

ORDER IN CRIMINAL MISC. APPLICATION:

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

1. The present application has been filed by the applicant for stay against the implementation, execution and operation of the fine amount imposed by the learned Special Electricity and 2nd Additional Sessions Judge, Jamnagar in Special Electricity Case No. 33 of 2024 dated 16.03.2026,

whereby the fine has been imposed at three times the assessed theft amount.

2. The brief facts giving rise to the present application are that the applicant came to be tried and convicted for the offence punishable under Section 135 of the Electricity Act, 2003. The learned Trial Court was pleased to release the applicant on probation for a period of two years and further imposed a fine of Rs. 11,96,108.52/-, being three times the theft amount of Rs. 3,98,702.84/-, payable within a period of 30 days, and in default thereof, the applicant was directed to undergo simple imprisonment for a period of one year.

3. Learned advocate Mr. Rohan Vaghela submits that the applicant is a poor lady aged 54 years and she is suffering from cancer. She has to arrange for the funds for her treatment as well as the fine amount. Learned advocate submits that the applicant is ready and willing to pay 50% of the fine i.e. Rs. 5,98,054.26/- of the total fine imposed i.e. Rs. 11,96,108.52/- within a period of 10 weeks from the

date of this order.

4. Having considered the facts and circumstances of the case, the nature of the offence, the financial condition and medical condition of the applicant, as well as the willingness shown by the applicant to deposit 50% of the fine amount within the stipulated period, this Court is of the opinion that the applicant has made out a prima facie case for grant of interim relief. Accordingly, the implementation, execution and operation of the remaining fine amount imposed by the learned Trial Court shall remain stayed, as prayed for, subject to the condition that the applicant deposits a sum of Rs. 5,98,054.26/- within a period of 10 weeks from the date of this order. In case of failure to comply with the said condition, the present order of stay shall stand vacated automatically without further reference to this Court.

5. In view of the above, the present application stands disposed off. Rule is made absolute.

VASIM S. SAIYED

(S. V. PINTO,J)