

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION) NO.
1276 of 2026**

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HASMUKHBHAI DAHYABHAI HARIJAN & ORS.

Versus

STATE OF GUJARAT

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Appearance:

DARSHIT R BRAHMBHATT(8011) for the Applicant(s) No. 1,2,3,4

MR PRANAV DHAGAT APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE GITA GOPI**Date : 29/04/2026****ORDER**

1. Initially, the applicants-accused four in number, were convicted by the Additional Chief Judicial Magistrate, Kheda on 21.12.2024, under section 323 read with section 114 of IPC for three months simple imprisonment with fine of Rs.500/- each and in default of payment of fine further 15 days simple imprisonment and under section 325 read with section 114 IPC for two years simple imprisonment along with fine of Rs.2,000/- each and in default of payment of fine further two months simple imprisonment.

1.1 The order of judgment and conviction and sentence was challenged before the appellate Court by filing Criminal Appeal No.11 of 2025, and the 3rd Additional Sessions Judge Nadiad by order dated 22.04.2026 modified the sentence and affirmed the order of sentence under section 323 against all

the four accused, while acquitted accused Nos.3 and 4 from the charges under section 325 read with section 114 of IPC and conviction of accused Nos.1 and 2 came to be affirmed under section 325 IPC.

2. Learned advocate Mr. Darshit R.Brahmbhatt for the applicants submitted that the allegation, which has been laid down against the applicant as accused have not been proved, where the Investigating Officer has denied of any such statement given by witness Disha Govindbhai Vaghela or of any act by accused Hasmukhbhai of urinating in her presence or making obscene sign.

2.1 Advocate Mr. Brahmbhatt thus, submitted that the very cause of the quarrel itself gets falsified from the evidence of the Investigating Officer. Mr. Brahmbhatt stated that sequence of incident would suggests that the complainant and witnesses had rather gone to the house of the accused for the quarrel, while the allegation of injury to the father of the complainant - Govindbhai also also does not get prove, since Govindbhai has not stated of any such injury to him and nothing gets cleared as to how Govindbhai sustained fracture injury on the head, though the evidence has been brought on record of stick and pipes.

2.2 Learned advocate Mr. Brahmbhatt further stated that N.C. complaint was filed by the accused and for medical evidence reference was made from 45/1 to 45/5, and the Investigating Officer was required to investigate the case from the point view of the accused, who all had sustained injury

and thus submitted that that itself was a ground for acquitting the accused.

3. Countering the arguments, learned APP Mr. Pranav Dhagat submitted that the case was of the misdemeanor of the Hasmukhbhai, who was urinating in presence of the female witness and was alleged to have made signs in an inappropriate way against the female witness and on that cause, the parents had gone to deprecate such a conduct and rebuke the accused, and instead of reflecting on their end, they had assaulted the complainant and witnesses, thus, stated that the applicant-accused should be directed to undergo the sentence.

4. Having heard the contentions raised and the evidence of the Investigating Officer, who has denied of any such statement from the side of the witness and the fact that the accused also had suffered injury, and when the revision application will take its own time to conclude, the order of sentence requires consideration. Hence, **Rule.**

5. The sentence imposed upon the applicants - revisionists vide judgment of conviction and sentence dated 21.12.2024 passed by the learned Additional Chief Judicial Magistrate, Kheda in Criminal Case No.45 of 2022, which was upheld and confirmed on 22.04.2026 by the learned 3rd Additional Sessions Judge, Nadiad in Criminal Appeal No.11 of 2025, shall remain suspended pending hearing and final disposal of the present Revision Application and the applicants -

revisionists herein are ordered to be released on bail on executing a personal bond of Rs.10,000/- (Rupees Ten Thousand Only) each with one surety of the like amount each to the satisfaction of the trial Court and subject to the conditions that the applicants - revisionists shall;

[a] pursue this Revision Application;

[b] not take undue advantage of liberty or misuse liberty;

[c] not leave India without prior permission of this Court;

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

(GITA GOPI,J)

Pankaj/3 (suppl.)