

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL APPEAL (AGAINST CONVICTION) NO. 1032 of 2026
With
CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE)
NO. 1 of 2026
In R/CRIMINAL APPEAL NO. 1032 of 2026

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USHABEN JAGDISHBHAI THAKKAR (M/S SHREE JALARAM ENTERPRISE)
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR PRATIK B BAROT(3711) for the Appellant(s) No. 1
MS CM SHAH, APP for the Opponent(s)/Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE S.V. PINTO

Date : 08/05/2026

ORAL ORDER**ORDER IN CRIMINAL APPEAL :**

1. **Admit.** Learned APP Ms.C.M.Shah waives service of notice of admission for the respondent no.1 – State and learned advocate Mr.N.R.Kodekar for learned advocate Mr.R.C.Kodekar waives service of notice of admission of the respondent no. 2 - CBI.

ORDER IN CRIMINAL MISC. APPLICATION :

1. **Rule.** Learned APP Ms.C.M.Shah and learned advocate Mr.N.R.Kodekar for learned advocate Mr.R.C.Kodekar waive service of notice of rule for the respective respondents.

2. **By way of the present application under Section 430**

of the Bhartiya Nagarik Suraksha Sanhita, 2023, the applicant - accused no. 1 is seeking suspension of sentence and release on regular bail during pendency of the present appeal against the judgment and order of conviction passed by the learned Special Judge (I/C. CBI Court No.6), City Civil & Sessions Court, Ahmedabad in CBI Special Case No. 5 of 2023 on 21.04.2026, whereby, the applicant - accused was sentenced to following terms.

Offence u/s	Sentence	In default of payment
420 r/w. 120(B) of the IPC	R.I. for 03 years and fine of Rs.50,00,000/-	R.I. for 06 months.

Both the sentences were ordered to run concurrently.

3. Heard learned advocate Mr. Pratik Barot for the applicant, learned APP Ms.C.M.Shah for the respondent No.1 – State and learned advocate Mr.N.R.Kodekar for learned advocate Mr.R.C.Kodekar for the respondent no. 2 - CBI.

4. Learned advocate for the applicant submits that the on the date of conviction, the applicant preferred application below Exh.144 to suspend the sentence and the learned Trial Court was pleased to allow the said application on 21.04.2026 and suspended the sentence upto appeal period. the applicant already deposited an amount of Rs.5,00,000/- before the learned Trial Court and is ready and willing to deposit further amount of Rs.20,00,000/- within a period of six weeks. The sentence is for a short period of 03 years and the present appeal is not likely to

be heard in near future and hearing of the same would take a long time and hence, no purpose would be served by keeping the applicant in jail for indefinite period with the hardened criminals. The applicant has a good case on merits and hence, the order of the sentence may be suspended and the applicant may be released on regular bail on appropriate terms and condition.

5. Learned APP Ms.C.M.Shah for the respondent no. 1 – State and learned advocate Mr.N.R.Kodekar for learned advocate Mr.R.C.Kodekar for the respondent no. 2 - CBI have jointly objected to the present application to grant suspension of sentence and has submitted that the order of sentence is just and proper; however, considering the quantum of sentence, necessary orders may be passed in the interest of justice.

6. At this juncture, it would also be fit to refer to the judgment of the Apex Court in the case **Bhagwan Rama Shinde Gosai Vs. State of Gujarat** reported in (1999) 4 SCC 421, wherein, it has been held that when the sentence is for a fixed period, the appellate Court finds that due to practical reasons such appeal cannot be disposed of expeditiously the appellate Court must be bestow special concern in the matters of suspending the sentence and this court is of the opinion that the arguments of the learned advocate for the applicant require consideration and accordingly, is allowed. The order of execution of sentence passed by the learned Special Judge (I/C. CBI Court No.6), City Civil & Sessions Court, Ahmedabad in CBI

Special Case No. 5 of 2023 on 21.04.2026 is suspended during pendency of the appeal and the applicant is ordered to be released on bail on furnishing personal bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with surety of the like amount to the satisfaction of the learned Trial court and on the following conditions:

- (i) shall not take undue advantage of liberty or misuse liberty;
- (ii) shall furnish the present address of her residence to the Court concerned at the time of execution of the bond and shall not change the residence without the prior permission of this Court;
- (iii) shall maintain law and order;
- (iv) shall not indulge in any activity leading to breach of public peace and tranquility;
- (v) as the applicant was directed to deposit Rs. 50,00,000/- as fine and out of Rs.50,00,000/-, the applicant has already deposited Rs.5,00,000/- before the learned Trial Court, hence, the applicant shall deposit Rs.20,00,000/- within a period of six weeks from the date of this order.

7. Rule is made absolute. Direct service today is permitted.

(S. V. PINTO,J)

F.S. KAZI