

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL REVISION APPLICATION NO. 462 of 2020

With

**CRIMINAL MISC.APPLICATION (FOR STAY) NO. 1 of 2020
In R/CRIMINAL REVISION APPLICATION NO. 462 of 2020**

With

**CRIMINAL MISC.APPLICATION NO. 1 of 2021
In R/CRIMINAL REVISION APPLICATION NO. 462 of 2020**

With

R/CRIMINAL REVISION APPLICATION NO. 463 of 2020

With

**CRIMINAL MISC.APPLICATION (FOR STAY) NO. 1 of 2020
In R/CRIMINAL REVISION APPLICATION NO. 463 of 2020**

With

R/CRIMINAL REVISION APPLICATION NO. 464 of 2020

With

**CRIMINAL MISC.APPLICATION (FOR STAY) NO. 1 of 2020
In R/CRIMINAL REVISION APPLICATION NO. 464 of 2020**

With

R/CRIMINAL REVISION APPLICATION NO. 465 of 2020

With

**CRIMINAL MISC.APPLICATION (FOR STAY) NO. 1 of 2020
In R/CRIMINAL REVISION APPLICATION NO. 465 of 2020**

With

R/CRIMINAL REVISION APPLICATION NO. 466 of 2020

With

**CRIMINAL MISC.APPLICATION (FOR STAY) NO. 1 of 2020
In R/CRIMINAL REVISION APPLICATION NO. 466 of 2020**

With

R/CRIMINAL REVISION APPLICATION NO. 467 of 2020

With

**CRIMINAL MISC.APPLICATION (FOR STAY) NO. 1 of 2020
In R/CRIMINAL REVISION APPLICATION NO. 467 of 2020**

With

R/CRIMINAL REVISION APPLICATION NO. 468 of 2020

With

**CRIMINAL MISC.APPLICATION (FOR STAY) NO. 1 of 2020
In R/CRIMINAL REVISION APPLICATION NO. 468 of 2020**

With

R/CRIMINAL REVISION APPLICATION NO. 469 of 2020

With

CRIMINAL MISC.APPLICATION (FOR STAY) NO. 1 of 2020

In R/CRIMINAL REVISION APPLICATION NO. 469 of 2020
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CRIMINAL MISC.APPLICATION (FOR STAY) NO. 1 of 2020
In R/CRIMINAL REVISION APPLICATION NO. 470 of 2020
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In R/CRIMINAL REVISION APPLICATION NO. 471 of 2020
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R/CRIMINAL REVISION APPLICATION NO. 472 of 2020
With
CRIMINAL MISC.APPLICATION (FOR STAY) NO. 1 of 2020
In R/CRIMINAL REVISION APPLICATION NO. 472 of 2020

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INDRAVADAN VAJESINH DARBAR

Versus

STATE OF GUJARAT

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Appearance:

MR HR PRAJAPATI(674) for the Applicant(s) No. 1

MR MANISH BHATT, SR. ADVOCATE with MRS MAUNA M BHATT(174) for the Respondent(s) No. 2

MR PRANAV TRIVEDI, ADDL. PUBLIC PROSECUTOR(2) for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE S.H.VORA

Date : 22/03/2021

ORAL ORDER IN CRIMINAL REVISION APPLICATIONS

Draft amendment is allowed.

ORAL ORDER IN CRIMINAL MISC. APPLICATIONS

1. Heard learned advocates appearing for the respective parties.

2. The facts necessary for disposal of present Criminal

Misc. Applications are that the applicant was tried, convicted and sentenced by the appeal Court for the offences punishable u/s 276C and 277 of the Income Tax Act r/w section 177 and 199 of the IPC. The details of which are as under:

Sr. No.	C.C.No.	U/s.	Trial Court Order	Appeal No. and Appellate Court Order	Conviction
1	37/2008 A.Y. 1986-87	276C(1), 276C(2) & 277	26.6.2018	393/2018 10.7.2020	276C(1) – RI Six Months + Fine Rs.500/- In default, undergo SI for 10 days 276C(2) – RI 6 months + Fine Rs.500/- In default, undergo SI for 10 days 277 – RI Six Months + Fine Rs. 500/- In default, undergo SI for 10 days
2	38/2008 A.Y. 1986-87	177, 193, 196, 199	26.6.2018	394/2018 10.7.2020	177 – S.I. Six months 199 – S.I. Two years + Fine Rs. 500/- In default, undergo SI for 5 days
3	39/2008 A.Y.	276C(1), 276C(2)	26.6.2018	395/2018 10.7.2020	276C(1) – RI Six Months

	1987-88	& 277			+ Fine Rs.500/- In default, undergo SI for 10 days 276C(2) – RI 6 months + Fine Rs.500/- In default, undergo SI for 10 days 277 – RI Six Months + Fine Rs. 500/- In default, undergo SI for 10 days
4	40/2008 A.Y. 1987-88	177, 193, 196, 199	26.6.2018	396/2018 10.7.2020	177 – S.I. Six months 199 – S.I. Two years + Fine Rs. 500/- In default, undergo SI for 5 days
5	41/2008 A.Y. 1988-89	276C(1), 276C(2) & 277	26.6.2018	397/2018 10.7.2020	276C(1) – RI Six Months + Fine Rs.500/- In default, undergo SI for 10 days 276C(2) – RI 6 months + Fine Rs.500/- In default, undergo SI for 10 days

					277 – RI Six Months + Fine Rs. 500/- In default, undergo SI for 10 days
6	42/2008 A.Y. 1988-89	177, 193, 196, 199	26.6.2018	398/2018 10.7.2020	177 – S.I. Six months 199 – S.I. Two years + Fine Rs. 500/- In default, undergo SI for 5 days
7	43/2008 A.Y. 1989-90	276C(1), 276C(2) & 277	26.6.2018	399/2018 10.7.2020	276C(1) – RI Six Months + Fine Rs.500/- In default, undergo SI for 10 days 276C(2) – RI 6 months + Fine Rs.500/- In default, undergo SI for 10 days 277 – RI Six Months + Fine Rs. 500/- In default, undergo SI for 10 days
8	44/2008 A.Y. 1989-90	177, 193, 196, 199	26.6.2018	400/2018 10.7.2020	177 – S.I. Six months 199 – S.I. Two years + Fine Rs. 500/- In default,

					undergo SI for 5 days
9	45/2008 A.Y. 1990-91	276C(1), 276C(2) & 277	26.6.2018	401/2018 10.7.2020	276C(1) – RI Six Months + Fine Rs.500/- In default, undergo SI for 10 days 276C(2) – RI 6 months + Fine Rs.500/- In default, undergo SI for 10 days 277 – RI Six Months + Fine Rs. 500/- In default, undergo SI for 10 days
10	46/2008 A.Y. 1990-91	177, 193, 196, 199	26.6.2018	402/2018 10.7.2020	177 – S.I. Six months 199 – S.I. Two years + Fine Rs. 500/- In default, undergo SI for 5 days
11	47/2008 A.Y. 1996-97	276C(1), 276C(2)	26.6.2018	403/2018 10.7.2020	276C(1) – RI Six Months + Fine Rs.500/- In default, undergo SI for 10 days 276C(2) – RI 6 months +

					Fine Rs.500/- In default, undergo SI for 10 days
12	48/2008 A.Y. 1996-97	177, 193, 196, 199 ** Charge framed for 177 only	26.6.2018		Acquitted on the ground that no return was filed.

3. As the sentences awarded to the applicant are made to suffer separately and therefore, it is one of the contentions of the applicant that the direction needs to be issued that the applicant's sentences shall run concurrently. Sub section (2) of section 427 of the Code of Criminal Procedure, 1973 provides that when a person already undergoing a sentence of imprisonment for life is sentenced on a subsequent conviction to imprisonment for a term or imprisonment for life, the subsequent sentence shall run concurrently with such previous sentence. From the above, it can be gathered that the intention of the Legislature is that even a life convicts have been held entitled to benefit of subsequent sentence being run concurrently if life term or any lesser term with the different yardstick cannot be applied unless there are compelling reason to do so. Since issue needs to be examined in detail pending hearing of present Criminal Revision Applications, relief in terms of para 6(a) is granted on same terms and conditions as were imposed by the appeal Court pending hearing of the appeal, but subject to furnishing fresh bail bond of Rs.15,000/-.

4. With this, present Criminal Misc. Applications stand

disposed of. Rule is made absolute to the aforesaid extent.
Direct service permitted.

5. In view of above, Criminal Misc. Application No.1 of 2021 in Criminal Revision Application No.462 of 2020 also stands disposed of.

(S.H.VORA, J)

SHEKHAR P. BARVE