

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST ORDER PASSED BY
SUBORDINATE COURT) NO. 1412 of 2026**

=====

KANUBHAI HARMANBHAI PARMAR

Versus

STATE OF GUJARAT

=====

Appearance:

MR BRAHMBHATT with MR A R KADRI(7330) for the Applicant(s) No. 1

MR SHAHNAWAZ PATHAN(6024) for the Applicant(s) No. 1

MR PRANAV DHAGAT, ADDITIONAL PUBLIC PROSECUTOR for the
Respondent(s) No. 1

=====

CORAM: HONOURABLE MS. JUSTICE GITA GOPI

Date : 07/05/2026

ORDER

1. **RULE.** Learned Additional Public Prosecutor waives service of notice of Rule on behalf of respondent-State.
2. By way of this application, the challenge is given to the concurrent findings of conviction and sentence passed under Section 354 of the Indian Penal Code (IPC) where the applicant is ordered to undergo the sentence of one year rigorous imprisonment and pay a fine of Rs.10,000/- and in the event of non-payment of payment of fine, to undergo further three months simple imprisonment.
3. Learned advocate for the applicant submits that the victim is a married lady while the present applicant was aged about 24 years at the time of incident. It is further

submitted that there has been a long term family enmity between the two families and since the elder brother is mentally ill, there had been many quarrels with the father-in-law of the complainant. In addition, there had been several cases between them regarding the boundary of their backyard where there have been allegations of encroachment and therefore, to pressurize them, this false complaint has been filed. It is further submitted that no clothes have been recovered of the victim and there are allegations that the applicant had caught hold of the victim from behind when she was going to answer the nature's call. It was, therefore, prayed that the present application may be allowed and the sentence qua the applicant herein may be suspended and the applicant be granted bail.

4. Learned Additional Public Prosecutor prayed that no discretion may be exercised in favour of the applicant, as the case is where the victim herself has stated the incident and the evidence of the victim herself is sufficient enough for conviction under Section 354 of IPC which does not require any corroboration. It is further submitted that the pendency of any civil matter or family dispute cannot be considered as a ground for defence in such a matter which are of a serious nature.
5. Heard learned advocates appearing for the respective parties and perused the material on record. Taking into consideration the facts and circumstances of the case,

the submissions made and the observations of the learned Judge and the fact that any physical material has not been found in the form of clothes or the same have not been recovered during the investigation, there is a case on merits. In addition, the Revision Application will take its own time to come for final hearing and therefore, the order of sentence requires consideration.

6. In view of the above, the order of sentence dated 13.06.2016 passed by the learned Additional Civil Judge and Judicial Magistrate First Class, Dakor in Criminal Case No.273 of 2009, which was upheld and confirmed by order dated 30.04.2026 passed by the learned 4th Additional Sessions Judge, Kheda at Nadiad in Criminal Appeal No.64 of 2016 are suspended till disposal of the Revision and the applicant is ordered to be released on bail on executing a personal bond of Rs.10,000/- (Rupees Ten Thousand Only) and a surety of like amount to the satisfaction of the Trial Court concerned and subject to the conditions that the applicant shall:-

- [a] pursue the matter scrupulously as and when the same is listed;
- [b] not take undue advantage of liberty or misuse liberty;
- [c] not leave India without prior permission of the Court;

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

Sd/-
(GITA GOPI, J)

CAROLINE / # 14