

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL REVISION APPLICATION NO. 611 of 2022

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KETAN MANSUKHBHAI MEHTA
Versus
STATE OF GUJARAT

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Appearance:

MR RAJENDRA K GOLANI(2125) for the Applicant(s) No. 1
for the Respondent(s) No. 2,3
MS MH BHATT, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE SAMIR J. DAVE

Date : 27/06/2022

ORAL ORDER

By preferring this application, applicant has requested to quash and set aside the judgment and order dated 31.05.2022 passed by learned Sessions Judge, Vadodara in Criminal Appeal No. 13 of 2019 as well as judgment and order dated 17.12.2018 passed by learned 2nd Additional Chief Judicial Magistrate, Vadodara in Criminal Case No. 1473 of 2003 (Old) Criminal Case No. 41624/2003 (new) and acquit him for the charges levelled against him as well as release him on bail during the pendency of the present revision application.

Heard learned advocate for the applicant.

It was submitted by learned advocate for the applicant that it is well settled principles of the criminal law that when two views are possible, one in favour of the accused and the

another against the accused then the view in favour of the accused should be adopted. The impugned judgment is in violation of settled principles of criminal law.

Rule returnable on 25th July 2022. Learned APP waives service of notice of rule for and on behalf of the respondent-State.

During the hearing and final disposal of the present revision application, the sentence imposed upon the applicant vide judgment and order dated 31.05.2022 passed by learned Sessions Judge, Vadodara in Criminal Appeal No. 13 of 2019 as well as judgment and order dated 17.12.2018 passed by learned 2nd Additional Chief Judicial Magistrate, Vadodara in Criminal Case No. 1473 of 2003 (Old) Criminal Case No. 41624/2003 (new) stands suspended and applicant is ordered to be released on bail on same terms and conditions as were prescribed by the trial Court; but with fresh bail bond and surety.

Direct service is permitted.

(SAMIR J. DAVE,J)

K. S. DARJI