

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION NO. 309 of 2009**

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JAGDISHBHAI JAYANTIBHAI RATHOD

Versus

STATE OF GUJARAT

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Appearance:

BAILABLE WARRANT SERVED for the Applicant(s) No. 1

MR NILESH R KOYANI(5129) for the Applicant(s) No. 1

MR SOHAM JOSHI, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE S.V. PINTO**Date : 22/07/2026****ORAL ORDER**

1. Heard learned advocate Mr.Nilesh R. Koyani for the applicant and learned APP Mr. Soham Joshi for the respondent no.1.

2. Learned advocate Mr. Nilesh Koyani for the applicant submits that the applicant has been convicted for a period of only one month for the offences punishable under Sections 279, 337 and 338 of the IPC and 177 and 184 of the Motor Vehicles Act and fine of Rs.3400/-. The applicant has deposited the amount of fine on the same day i.e. the day when he was convicted by the learned Judicial Magistrate First Class, Upleta and, thereafter, he had filed Criminal Appeal No.12 of 2006

before the Fast Track Court, Gondal camp at Upleta. The criminal appeal came to be dismissed by the learned Additional Sessions Judge and Presiding Officer, Fast Track Court No.8, Gondal Camp at Upleta. Learned advocate for the applicant further submits that in view of the judgment and order passed in criminal appeal confirming the judgment and order passed by the Judicial Magistrate, First Class, Upleta, the applicant was taken into judicial custody and he had undergone the sentence for some days and thereafter, the applicant came to be released by this Court pending the present revision application. Learned advocate for the applicant submits that considering the sentence imposed upon the applicant and the time that the applicant had passed in judicial custody and also considering the fact that the applicant is aged more than 55 years and having other ailments, the applicant may be granted the benefit of probation.

3. Learned advocate for the applicant submits that earlier, the applicant was residing at Jamnavad road, B/h. Haveli, at Dhoraji, District Rajkot and now, he is residing at Rajkot Somnath Society-2, Street No.5, "Ravi Krupa", Nr. Rajkot Nagarik Bank, 150ft. Ring Road, Rajkot (M. No. 9925543367).

4. In view of the above, the Probation Officer, Rajkot is directed to submit a report qua extending the benefit of probation to the applicant in connection with the conviction under Sections 279, 337 and 338 of the IPC and 177 and 184 of the Motor Vehicles Act as passed by the learned Judicial Magistrate, Upleta in Criminal Case No.585 of 1999 on 07.12.2006 before the next date of hearing.

5. List the matter on 29.07.2029.

F.S. KAZI

(S. V. PINTO,J)