

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION NO. 497 of 2011**

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SURAJ @ SURESH MANUBHAI MAKWANA KOLI & ORS.

Versus

STATE OF GUJARAT

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Appearance:

ADVOCATE NOTICE SERVED for the Applicant(s) No. 1,2

UNSERVED EXPIRED (N) for the Applicant(s) No. 3

MS. C.M. SHAH, APP for the Respondent(s) No. 1

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CORAM: **HONOURABLE MS. JUSTICE S.V. PINTO****Date : 12/08/2026****ORAL ORDER**

1. Though the advocate notice served, the applicant Nos.1 and 2 have not appeared either in-person or through an advocate.

2. On perusal of the record, it transpires that the advocate notice has remained unserved the applicant No.3 - Manubhai Bhikubhai Makwana as during pendency of the present application, the applicant No.3 has expired. A report of A.S.I., Panch A Division Police Station, Jamnagar along with the death certificate issued by Sub-Registrar (Birth & Death), Jamnagar confirming that the applicant No.3 has expired on 22.06.2023, hence, the present application qua the applicant No.3 has become infructuous and is disposed off accordingly.

3. As per the record of the case, the applicants have filed the present revision application challenging the order of conviction passed by the learned 2nd Additional Sessions Judge, Jamnagar in Criminal Appeal No. 14 of 2008 dated 21.09.2011 confirming the judgement and order passed by the learned 8th Additional Senior Civil Judge & Judicial Magistrate First Class, Jamnagar, in Criminal Case No. 5175 of 1998 dated 26.02.2008, whereby, the present applicant No.1 - Suraj @ Suresh Manubhai Makwana Koli was sentenced to rigorous imprisonment for two years and fine of Rs.4000/-, and in default, rigorous imprisonment for six months for the offence under Section 377 of the Indian Penal Code, applicant No.2 - Rajesh Manubhai Makwana was sentenced to simple imprisonment for one year and fine of Rs.1000/-, and in default, simple imprisonment for two months for the offence under Section 506(2) read with Section 114 of the Indian Penal Code and applicant No.3 - Manubhai Bhikubhai Makwana was sentenced to simple imprisonment for one year and fine of Rs.1000/-, and in default, simple imprisonment for two months for the offence under Section 506(2) read with Section 114 of the Indian Penal Code.

4. After filing of the present application, by an order dated

30.11.2011, the applicants were ordered to be released on bail on usual terms and conditions and thereafter, the learned advocate for the applicants filed a note for withdrawal of appearance and an advocate notice was issued to the applicants and the notice served to the applicant Nos.1 and 2 but the applicant Nos.1 and 2 have not appeared either in-person or through an advocate. It appears that the applicants are interested to proceed with the matter.

5. In view of the same, the matter stands dismissed for non-prosecution, with liberty reserved in favour of the applicants to revive the same, in case of necessity.

6. The Registry is directed to send back the record and proceedings to the concerned Trial Court, if called for earlier.

ROHAN SONI

(S. V. PINTO,J)