

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**CRIMINAL REVISION APPLICATION (AGAINST ORDER PASSED BY
SUBORDINATE COURT) NO. 384 of 2015****With****CRIMINAL MISC.APPLICATION NO. 13923 of 2015****In****CRIMINAL REVISION APPLICATION NO. 384 of 2015**

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SAMJU RUDA BHIMANI & 5....Applicant(s)

Versus

STATE OF GUJARAT....Respondent(s)

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Appearance:

MS BHAVIKA H KOTTECHA, ADVOCATE for the Applicant(s) No. 1 - 6

Ms.Hansa Punani, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MS JUSTICE SONIA GOKANI**Date : 23/07/2015****COMMON ORAL ORDER**

This application has been preferred by the applicants -revisionists being aggrieved by the order and judgment passed by the learned 3rd Additional District Judge and Sessions Judge, Junagadh in Criminal Appeal No.24 of 2008, whereby, applicant No.1,2 and 3 are convicted for the offence punishable under Sections 324 of the Indian Penal Code and directed the applicants No.1,2 and 3 to undergo the sentence of simple imprisonment of six months and to pay a fine of Rs.2,000/- and in

default to undergo the sentence of simple imprisonment of one month and further directed under Section 135 of the Bombay Police Act, directed the applicant No.1,2 and 3 to pay a fine of Rs.500/- and in default to undergo the sentence of simple imprisonment of one month. The Court had further directed for the applicants No. 4,5 and 6 to pay a fine of Rs. 1,000/- and in default to undergo the sentence of simple imprisonment of one month.

Ms.Bhavika Kotecha, learned advocate appearing for the applicants has urged that the trial Court has not appreciated the evidence in proper perspective. She has also pointed out the anomaly in the deposition of the witnesses. She has also pointed out that the applicant No. 1,2 and 3 are in the judicial custody. Therefore, the revision application be admitted and discretionary relief to grant of bail may be exercised in favour of the the applicants No. 1,2 and 3.

Considering the facts and circumstances of the case so also the evidence on record, oral as well as documentary, the present Criminal Revision Application deserves to be admitted Hence, RULE returnable on **10th August, 2015.** Ms.Hansa Punani, learned APP waives service of notice of rule

for and on behalf of the respondent No.1-State.

Pending hearing and final disposal of the present Criminal Revision Application, sentence awarded by learned 3rd Additional District Judge and Sessions Judge, Junagadh in Criminal Appeal No.24 of 2008 is hereby suspended and the applicants No. 1, 2 and 3 -convict are ordered to be enlarged on bail on the following conditions :-

1. They shall furnish a personal bond in the sum of Rs.20,000/- (Rupees Twenty Thousand only) each with one solvent surety of the like amount to the satisfaction of the learned Trial Court.
2. They shall not leave the territory of India, without prior permission of this Court. Each applicant-convict shall deposit their passport, if any, with the Registry of this Court.
2. The applicants shall furnish fresh address of their residence to the police authority.
5. Record and Proceedings (R&P) be called for, so as to reach this Court on or before the returnable date.

Direct service is permitted.

Criminal Misc. Application stands disposed of accordingly.

BINA

(MS SONIA GOKANI, J.)