

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**CRIMINAL REVISION APPLICATION (AGAINST CONVICTION) NO. 387 of
2017****With****CRIMINAL MISC.APPLICATION NO. 10510 of 2017****In****CRIMINAL REVISION APPLICATION NO. 387 of 2017**

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SAJJAUDIN SAMSURDIN LUHAR....Applicant(s)

Versus

STATE OF GUJARAT....Respondent(s)

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Appearance:

MR PM LAKHANI, ADVOCATE for the Applicant(s) No. 1

MRS R P LAKHANI, ADVOCATE for the Applicant(s) No. 1

MR. N.J.SHAH, APP, for the Respondent(s) No. 1

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CORAM: **HONOURABLE MR.JUSTICE Z.K.SAIYED****Date : 04/05/2017****ORAL ORDER****ORDER IN CRIMINAL REVISION APPLICATION:-**

Rule. Learned Additional Public Prosecutor waives service of notice of rule on behalf of respondent State.

ORDER IN CRIMINAL MISC. APPLICATION:-

[1] **RULE.** Learned Additional Public Prosecutor waives service of notice of rule on behalf of respondent State.

[2] In the present application, the applicant herein original accused No.1 has prayed to release him on bail by suspending the sentence imposed vide judgment and order dated 10.03.2016 passed in Criminal Case No. 1247 of 2011 by the

learned Chief Judicial Magistrate and Additional Senior Civil Judge, Dahod, which is confirmed by learned 4th (Ad-hoc), Additional Sessions Judge, Dadod vide order dated 18.03.2017 passed in Criminal Appeal No.7 of 2016, whereby learned Sessions Judge has been convicted the applicant accused for the offence punishable under Section 323 of the Indian Penal Code and sentenced to undergo simple imprisonment of three months with fine of 1000/- and in default, to undergo further period of fifteen days simple imprisonment and for the offence under Section 325 of the IPC, and sentenced to undergo imprisonment of two years with fine of 3000/- and in default, to undergo further period of three months simple imprisonment and or the offence under Section 326 of the IPC, and sentenced to undergo imprisonment of three years with fine of 6000/- and in default, to undergo further period of six months simple imprisonment.

[3] Heard learned advocate appearing for the applicant and learned Additional Public Prosecutor for the respondent State.

[4] Learned advocate for the applicant contended that as per the order passed by the learned trial Court, the applicant is surrendered before the jail authority. He contended that the fine amount is already deposited by the applicant. He therefore, prays to release the application on bail on any terms and conditions.

[5] Considering the overall facts and circumstances of the case, the same is allowed. The sentence imposed by judgment and order dated 10.03.2016 passed in Criminal Case No. 1247 of 2011 by the learned Chief Judicial Magistrate and Additional Senior Civil Judge, Dahod, which is confirmed by

learned 4th (Ad-hoc), Additional Sessions Judge, Dadod vide order dated 18.03.2017 passed in Criminal Appeal No.7 of 2016 are hereby suspended pending hearing and final disposal of the Criminal Revision Application. The applicant shall be released on regular bail on executing personal bond of Rs.10,000/- (Rupees Ten Thousand only) and one surety of like amount to the satisfaction of the Trial Court and subject to the condition that he shall;

(a) surrender passport, if any, to the lower court within a week;

(b) not leave the State of Gujarat without prior permission of the Trial Court;

(c) furnish the present address of residence to the I.O. and also to the Court at the time of execution of the bond and shall not change the residence without prior permission of this Court;

[6] The application stands ***disposed of***. Direct service is permitted. Rule is made absolute to the aforesaid extent.

(Z.K.SAIYED, J.)

siddharth