

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL APPEAL (AGAINST CONVICTION) NO. 3239 of 2025
With
CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE) NO.
1 of 2025
In R/CRIMINAL APPEAL NO. 3239 of 2025

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VIJAY TAKHATBHAI PARMAR

Versus
STATE OF GUJARAT

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Appearance:

MS. MAYURI P CHAUHAN(7069) for the Appellant(s) No. 1
MS.C.M.SHAH, APP for the Opponent(s)/Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE S.V. PINTO

Date : 05/01/2026

ORAL ORDER**ORDER IN CRIMINAL APPEAL**

ADMIT. Learned Additional Public Prosecutor waives service of notice of admission on behalf of the respondent No. 1 – State.

ORDER IN CRIMINAL MISC. APPLICATION

1] RULE. Learned Additional Public Prosecutor waives service of rule on behalf of the respondent No. 1 – State.

2] This application is filed by the applicant for suspension of sentence in connection with the conviction recorded vide judgment and order dated **31-05-2025** by the learned **3rd Additional Sessions Judge, Halol @ Panchmahal** in Sessions Case No.

78 of 2022 (Sessions Case No. 38 of 2023), whereby, the applicant was convicted for the offences under Sections 306, 498 (a) and 114 of the Indian Penal Code, 1860 and sentenced to rigorous imprisonment for three years and fine of Rs.25,000/- and in default simple imprisonment for nine months for the offence under Section 498(a) of the Indian Penal Code, 1860.

3] Heard learned advocate Ms. Mayuri P. Chauhan for the applicant and learned Additional Public Prosecutor Ms. C.M.Shah for the respondent No. 1 – State.

4] Learned advocate Ms. Mayuri P. Chauhan submits that after the judgment and order of conviction, the applicant has not preferred any application for suspension of sentence and the applicant is in judicial custody since the date of the order of conviction. The applicant has filed appeal within the appeal period. The sentence is for a fixed period i.e. for three years and the applicant has a good case on merits and hence the execution of order of sentence imposed on **31-05-2025** by the **learned 3rd Additional Sessions Judge, Halol @ Panchmahal** in **Sessions Case No. 78 of 2022 (Sessions Case No. 38 of 2023)**, be suspended and the applicant be released on bail on any terms and conditions as this Hon'ble Court deems fit.

5] Learned Additional Public Prosecutor Ms. C.M.Shah for respondent No. 1 – State has submitted that the role and involvement of the applicant in the alleged offence is established beyond reasonable doubt, however, considering the sentence, necessary orders may be passed.

6] On perusal of the impugned judgment and order of conviction and considering the submissions of the learned advocate for the applicant as the applicant is sentenced for a fixed period and the applicant is in judicial custody since the date of the order of conviction, the application deserves consideration and without entering into the merits of the case, this Court is of the opinion that the application requires consideration and accordingly, is allowed. The execution of the sentence in the judgment and order dated **31-05-2025** by the **learned 3rd Additional Sessions Judge, Halol @ Panchmahal in Sessions Case No. 78 of 2022 (Sessions Case No. 38 of 2023)**, is suspended during pendency of the criminal appeal and the applicant is ordered to be released on bail on furnishing personal bond of Rs.10,000/- (Rupees Ten Thousand Only) with one surety of the like amount to the satisfaction of the trial Court and on the following conditions: -

- (i) shall not take undue advantage of liberty or misuse liberty;
- (ii) shall not leave India without prior permission of this Court;
- (iii) shall furnish the present address of his residence to the Court concerned at the time of execution of the bond;
- (iv) shall maintain law and order;
- (v) shall not indulge in any activity leading to breach of public peace and tranquility.
- (vi) shall pay the amount of fine, before his release.

7. Rule made absolute. Direct service is permitted.

VVM

(S. V. PINTO,J)