

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**  
**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION) NO.**  
**2604 of 2025**

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KAMLESH RATIRAM GUPTA  
Versus  
STATE OF GUJARAT

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Appearance:

MR M M SHAIKH(11314) for the Applicant(s) No. 1  
MR UVESH M SHAIKH(11313) for the Applicant(s) No. 1  
MR. ROHAN N. SHAH, APP for the Respondent(s) No. 1

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**CORAM: HONOURABLE MR. JUSTICE P. M. RAVAL**

**Date : 05/01/2026**

**ORAL ORDER**

1. Heard the learned advocate for the applicant.
2. The applicant is challenging the judgment and order of compensation granted to the original complainant to the tune of Rs.50,000/- and grant of probation for the offence punishable under Sections 332 of the IPC for a period of two years, mainly on the grounds stated in the memo of the application, *inter alia* contending that no independent eye witnesses have supported the case of the prosecution, coupled with the fact that there is previous amenity between the parties, since the complainant has also preferred an application for atrocities against the present accused, wherein the trial Court has acquitted the accused, however, the same has also been challenged before this Court, and the same has been confirmed, and thus, the allegations of atrocities as alleged by the original complainant against the present accused have not proved. The learned advocate has also drawn attention of this Court towards the

impugned judgment and order passed by the first appellate court in Criminal Appeal No.180 of 2022 to point out that there is no recovery of the broken wall clock as stated in the FIR and the parcel which was booked at the behest of the present accused is also not coming on record, more particularly, the FIR itself states that complainant had booked parcel and issued the receipt, though such receipt has not placed on record by the prosecution to prove its case beyond reasonable doubt. Under the circumstance, an arguable case is made out.

3. In view of the same, Rule returnable on 24.02.2026. Learned AAP waives service of Rule for respondent – State.

4. R&P be called for from the concerned Court to reach before this Court on or before next date, i.e. 24.02.2026.

5. In the meantime, judgment and order passed by the learned Additional Chief Metropolitan Magistrate Court No.5, Ahmedabad, in Criminal Case No.501187 of 2015, dated 07.05.2022, as well as the order dated 16.12.2025 passed by the learned Additional Sessions Judge, City Civil and Sessions Court No.23, Ahmedabad, in Criminal Appeal No.180 of 2022, are suspended.

NITIN MAKWANA

**(P. M. RAVAL, J)**