

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL No(s).629 OF 2022
(Arising out of S.L.P. (Criminal) No.9033 of 2021)

HARDIK BHARATBHAI PATEL

...APPELLANT(S)

VERSUS

THE STATE OF GUJARAT

...RESPONDENT(S)

O R D E R

Leave granted.

2. By judgment dated 25.07.2018 passed by the Fifth (Ad hoc) Additional Sessions Judge, Mehsana, at Visnagar, in Sessions Case No.24/2017, the appellant and two others were convicted for the offences punishable under Sections 147, 148, 149, 427 and 435 of the Indian Penal Code, 1860 (for short, 'IPC') and sentenced for a period of two years' simple imprisonment along with fine of Rs.50,000/- with default sentence of simple imprisonment of three months.

3. The appellant filed Criminal Appeal no.1135 of 2018 before the High Court of Gujarat at Ahmedabad, challenging the said order of conviction and sentence. The appellant also filed an application for suspension of his conviction and sentence in the said appeal. The High Court by order dated 08.08.2018 suspended the sentence of the appellant but did not consider the prayer for suspension of conviction. Therefore, the appellant filed an application in the said appeal seeking suspension of conviction. The High Court has dismissed the said application by the impugned order dated 29.03.2019.

4. We have heard Mr. Maninder Singh, learned senior counsel for the appellant and Mr. Tushar Mehta, learned Solicitor General for the respondent-State, perused the impugned order and the other materials placed on record.

5. Having regard to the facts and circumstances of the case, we are of the view that this is a fit case not only for suspension of sentence but also for suspension of conviction of the appellant. The High Court in our view ought to have suspended the conviction as well.

6. Therefore, the order of conviction of the appellant in Sessions Case No. 24/2017 dated 25.07.2018 passed by the Fifth (Ad hoc) Additional Sessions Judge, Mehsana, at Visnagar, is suspended and the impugned order dated 29.03.2019 passed in Cr1. Misc. Application (For Suspension of Sentence of Conviction) No.1 of 2019 in Criminal Appeal no.1135 of 2018 by the High Court of Gujarat at Ahmedabad is set aside.

7. The appeal is accordingly allowed.

.....J.
(S. ABDUL NAZEER)

.....J.
(VIKRAM NATH)

NEW DELHI
APRIL 12, 2022

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 9033/2021

(Arising out of impugned final judgment and order dated 29-03-2019 in CRLMA No. 1/2019 in RCRLA No.1135/2018 passed by the High Court of Gujarat at Ahmedabad)

HARDIK BHARATBHAI PATEL

Petitioner(s)

VERSUS

THE STATE OF GUJARAT

Respondent(s)

(IA No. 142097/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 142095/2021 - EXEMPTION FROM FILING O.T.)

Date : 12-04-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. ABDUL NAZEER

HON'BLE MR. JUSTICE VIKRAM NATH

For Petitioner(s) Mr. Maninder Singh, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Mr. Ankur Saigal, Adv.
Mr. Rafik Lokhandwala, Adv.
Mr. Divyanshu Srivastava, Adv.
Ms. Sukriti Bhatnagar, Adv.
Mr. Prabhash Bajaj, Adv.
Mr. Pranav Saigal, Adv.
Mr. E. C. Agrawala, AOR

For Respondent(s) Mr. Tushar Mehta, SG
Mr. Rajat Nair, Adv.
Ms. Deepanwita Priyanka, AOR

UPON hearing the counsel the Court made the following

O R D E R

Leave granted. The appeal is allowed in terms of the signed order.

Pending applications also stand disposed of.

(ANITA MALHOTRA)
COURT MASTER

(KAMLESH RAWAT)
COURT MASTER

(Signed order is placed on the file.)