

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSSPECIAL LEAVE PETITION (CRIMINAL) DIARY NO(S). 26961/2025

FARIDMAHAMMAD MALEKMAHAMMAD CHAUHAN & ANR. Petitioner(s)

VERSUS

STATE OF GUJARAT Respondent(s)

(IA No. 132753/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 132754/2025 - EXEMPTION FROM FILING O.T. AND IA No. 132752/2025 - EXEMPTION FROM SURRENDERING WITHIN TIME)

Date : 22-05-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UJJAL BHUYAN
[IN CHAMBER]For Petitioner(s): Mr. Pradhuman Gohil, Adv.
Mrs. Taruna Singh Gohil, AOR
Mr. Alapati Sahithya Krishna, Adv.
Ms. Hetvi Patel, Adv.
Mr. Rushabh N. Kapadia, Adv.
Ms. Taniya Bansal, Adv.

For Respondent(s):

UPON hearing the counsel the Court made the following
O R D E RIA No. 132752/2025 - EXEMPTION FROM SURRENDERING WITHIN TIME

This Application has been filed on behalf of the first petitioner, who is accused No.1, for exemption from surrendering.

The learned counsel appearing for the petitioners submits that as far as the first petitioner is concerned, he was convicted by the learned Judicial Magistrate First Class under Section 326 read with Section 114 of the Indian Penal Code, 1860 and sentenced to undergo rigorous imprisonment for 30

months.

The appeal preferred by the petitioners against the aforesaid conviction and sentence was dismissed by the Appellate Court.

Thereafter, the petitioners filed criminal revision application before the High Court of Gujarat. However, by the impugned order, the High Court has dismissed the criminal revision petition. However, while confirming the conviction of both the petitioners, the High Court has modified the sentence from 30 months to 06 months *qua* the first petitioner and as far as the second petitioner is concerned, the High Court has reduced the sentence to the period undergone. The impugned order indicates that the first petitioner has undergone 22 days of incarceration.

The learned counsel appearing for the petitioners submits that the first petitioner has a good case on merits for acquittal. That apart, he ought to have been treated at par with the other co-accused, in whose case, the sentence was modified to the period undergone, if not an acquittal.

Having regard to the above and considering the duration of sentence, the petitioner is granted exemption from surrendering.

The Application seeking exemption from surrendering stands disposed of accordingly.

List the Petition before the regular Bench.

(ASHISH KONDLE)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)