

Gujarat High Court

State vs Mayurbhai on 10 May, 2010

Author: Jayant Patel,&NbspHonourable Z.K.Saiyed,&Nbsp
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CR.MA/13138/2009

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IN
THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL

MISC.APPLICATION No. 13138 of 2009

In

CRIMINAL

APPEAL No. 2294 of 2009

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STATE

OF GUJARAT - Applicant(s)

Versus

MAYURBHAI

DHIRAJLAL SHETH - Respondent(s)

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Appearance

:

MR

LR P00JARI, APP for Applicant(s) : 1,

None for Respondent(s) :

1,

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CORAM

:

HONOURABLE

MR.JUSTICE JAYANT PATEL

and

HONOURABLE

MR.JUSTICE Z.K.SAIYED

Date
: 10/05/2010

ORAL
ORDER

(Per : HONOURABLE MR.JUSTICE JAYANT PATEL) The present application for leave to Appeal is directed against the Judgment and order dated 21.08.2009 passed by the learned Addl. Sessions Judge, Surendranagar, in Sessions Case No. 4 of 2009, whereby the respondent original accused No.1 has been acquitted for the offences under Sections 306 & 114 of I.P. Code and the original accused Nos. 2 to 6 have been acquitted for the offences under Sections 306, 498(A), 114 of I.P. Code and under Sections 3-7 of the Dowry Prohibition Act. However, the respondent accused No.1 has been convicted for the offence under Section 498-A of I.P.Code.

It was submitted by the learned A.P.P. that as per the provision of Section 393 of the Code of Criminal Procedure even if the appeal against conviction has been dismissed, this Court has power to consider the appeal on merit.

Considering the facts and circumstances, it appears to us that there is a good case to be considered in appeal. Hence, leave deserve to be granted, therefore, granted. Application stands disposed of accordingly.

(JAYANT PATEL,J.) (Z.K.SAIYED, J.) sas Top