IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE FIR/ORDER) NO. 26456 of 2026
With
CRIMINAL MISC.APPLICATION (FOR STAY) NO. 1 of 2026
In R/CRIMINAL MISC.APPLICATION NO. 26456 of 2026

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SHARDABEN VANMALI BORAD
Versus
STATE OF GUJARAT & ANR.

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Appearance:
MR ADITYA A GUPTA(7875) for the Applicant(s) No. 1
MS DIVYANGANA JHALA, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MS. JUSTICE GITA GOPI**

Date : 05/11/2026

ORDER

1. Prayer is made to quash and set aside the order dated 24.9.2026 passed by the learned 11th Additional Sessions Judge, Rajkot in Criminal Appeal no. 1369 of 2026.

2. Referring to the judgment in the case of **Muskan Enterprises & Anr. vs. State of PUnjab & Anr.,** reported in **(2024) 20 SCC 85**, Mr. Aditya Gupta, learned advocate for the applicant has submitted that this Court would have the power under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to see the legality of the order impugned, where according to learned advocate Mr. Gupta, the Court has not passed any reasoned order for the deposit of 20% of the compensation amount, where on the record, it has been shown that 40% of the amount that comes to around Rs.39,28,000/- has already been paid and the purshis was given by the complainant and

that rest of the amount is already secured since the property is mortgaged with the complainant and the complainant is in possession of the property.

3. In view of the above, the operation, implementation and execution of the order dated 24.9.2026 passed by the learned 11th Additional Sessions Judge, Rajkot in Criminal Appeal no.1369 of 2026, insofar as it relates to the direction for deposit of 20% of the fine/compensation amount, is stayed. The learned Sessions Judge shall hear the present applicant and pass a reasoned order afresh keeping in view the decision of the Hon'ble Supreme Court the decision in the case of **Jamboo Bhandari vs. Madhya Pradesh State Industrial Development Corporation Limited & Ors.** reported in **(2023) 10 SCC 446**.

4. It is, however, clarified that the suspension of execution and implementation of the judgment and order of compensation passed by the learned 7th Additional Chief Judicial Magistrate, Rajkot in Criminal Case no.17794 of 2024, as granted by the learned Sessions Court shall continue during the pendency of the appeal, subject to the other conditions imposed by the learned Sessions Court, which have not been interfered with by this Court.

5. Accordingly, the present application stands disposed of in the above terms. Consequently, Criminal Misc. Application no.1 of 2026 is also disposed of.

(GITA GOPI,J)

Maulik

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MAULIK RAJESH PANDYA(HC00205), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 05/11/2026 14:46:43