

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**CRIMINAL MISC.APPLICATION (MODIFICATION/DELETION OF
CONDITION) NO. 1 of 2022
In R/CRIMINAL APPEAL NO. 1135 of 2018**

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HARDIK BHARATBHAI PATEL

Versus

STATE OF GUJARAT

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Appearance:

RAFIK LOKHANDWALA(5590) for the Applicant

MR MITESH AMIN, PUBLIC PROSECUTOR for the Opponent

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CORAM:HONOURABLE MR. JUSTICE S.H.VORA

Date : 11/11/2022

IA ORDER

1. Rule returnable forthwith. Learned PP waives service of notice of rule for the respondent State.
2. By way of this application, the applicant has made following prayer in terms of para 14(B):-

“That this Hon’ble Court be pleased to temporary relax/ modify / alter the impugned condition No.5(d) imposed by this Hon’ble Court in Application No.9441 of 2016 which has been ordered s to be continued while suspending the sentence of the applicant on 8.8.2018 in Criminal Misc. Application No.1/2018 in Criminal Appeal No.1135/2018 and the applicant may kindly be allowed to enter the Mehsana District from the period dated 7.11.2022 to 7.11.2023, in the interest of justice.”

3. Vide order dated 12.4.2022, the Hon'ble Apex Court suspended the order of conviction of the applicant. According to the applicant, he is a social worker and Member of BJP and further, he is aspiring candidate to contest the upcoming Gujarat Assembly Election for the Member of Legislative Assembly and in view of such position, the applicant needs to travel frequently in various parts of Gujarat including Mehsana district for campaigning and fulfilling the political obligation cast upon him.

4. It is further stated that the applicant stays at Mehsana and he is unable to attend social and religious function despite the fact that the order of conviction suspended by the Hon'ble Apex Court, but in view of condition No.5(d) imposed by this Hon'ble Court in Application No.9441 of 2016.

5. Learned Public Prosecutor Mr. Mitesh Amin has no objection if the condition No.5(d) is relaxed/modified.

6. Accordingly, present Criminal Misc. Application is hereby allowed and relief in terms of para 14(B) is granted. Rule is made absolute to the aforesaid extent. Direct service is permitted.

SHEKHAR P. BARVE

(S.H.VORA, J)