



ITEM NO.4

COURT NO.5

SECTION II-E

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Crl.) No.16210/2026

[Arising out of impugned final judgment and order dated 30-06-2026 in CRLMA No. 2/2026 passed by the High Court of Gujarat at Ahmedabad]

SOMA @ CHAMPU SURINGBHAI RACHHAD

Petitioner(s)

VERSUS

THE STATE OF GUJARAT

Respondent(s)

(IA No. 260929/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT & IA No. 260930/2026 - EXEMPTION FROM FILING O.T.)

Date : 26-10-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :

Mr. Shreeyash Uday Lalit, Adv.
Mr. Himanshu Vats, Adv.
Mr. Yogeshwar Petel, Adv.
Mr. Angad Pahel, Adv.
Mr. Lavam Tyagi, Adv.
Mr. Aviral Kumar Mishra, Adv.
Mr. Tvesha Gupta, Adv.
Mr. Ishaan George, AOR

For Respondent(s) :

Mr. Rajat Nair, Adv.
Ms. Swati Ghildiyal- 3169, AOR
Mr. Adarsh Dubey, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Exemption Applications are allowed.

Signature Not Verified
Digitally signed by
VISHAL ANAND
Date: 2026.10.27
15:44:20 IST
Reason:

The counter affidavit filed by the State of Gujarat is taken
on record.

3. This petition seeks Special Leave to Appeal against the impugned judgment and order dated 30.06.2026 passed by the High Court of Gujarat in Criminal Misc. Application No.2/2026 in R/

Criminal Appeal No. 1454/2022 rejecting the petitioner's second application for suspension of sentence during the pendency of the appeal.

4. By Judgment dated 27.07.2021 passed by the Sessions Judge, Bhavnagar the petitioner along with six co-accused persons were convicted under Sections 302, 307, 326, 325, 324, 341, 427, 147, 148 and 149 of the Indian Penal Code respectively and sentenced the petitioner to undergo rigorous life imprisonment and a fine of 65,000/- and an additional imprisonment of around 4 months in default of payment of fine. The petitioner has served more than 7 years in custody. Three co-accused have been enlarged on bail.

5. The learned AoR appearing for the State would point out that the specific overt act was alleged against the petitioner herein and he cannot claim parity with the other accused.

6. Having heard learned counsel for both parties and having perused the material on record, without expressing any final opinion on the merits of the appeal, we are of the considered view that a *prima facie* case for suspension of sentence is made out, given the period of custody undergone, three co-accused are already enlarged on bail, and the arguable issues raised in appeal.

7. Accordingly, the execution of the substantive sentence of imprisonment awarded to the petitioner in Sessions Case No. 91/2018 & 4/2019 is suspended.

8. The Sessions Judge, Bhavnagar (Jurisdictional Court) shall release the petitioner on bail on such conditions as deemed fit and appropriate, on the basis of the suspension of sentence granted by us. In the event of breach of any conditions specified above, it shall be open to the State to move an application before the Jurisdictional Court for cancellation of bail.

9. The Special Leave Petition is disposed of in the above terms.

10. Pending applications, if any, shall stand disposed of.

(VISHAL ANAND)
DEPUTY REGISTRAR

(POOJA SHARMA)
COURT MASTER (NSH)