

**HIGH COURT OF GUJARAT (D.B.)**

**MADHUBALA SHASHIKNAT RAVALA**

*Versus*

**STATE OF GUJARAT**

**Date of Decision:** 15 December 2008

**Citation:** 2008 LawSuit(GUJ) 2336

**Hon'ble Judges:** [Ravi R Tripathi](#), [Rajesh H Shukla](#)

**Case Type:** CRIMINAL REVISION APPLICATION

**Case No:** 265 OF 1994

**Final Decision:** Revision allowed

**Advocates:** [Tushar L Sheth](#), [K T Dave](#), [R C Jani](#)

**RAVI R.TRIPATHI**

**[1]** The present Revision Application has been filed by the Petitioner, who is one of the daughters of the deceased, challenging the impugned judgment and order dated 29.1.1994 passed by the learned Additional Sessions Judge, Gondal, in Misc. Criminal Application No. 2 of 1994. The said Misc.Criminal Application No. 2 of 1994 was filed by the Petitioner herein for returning the mudamal (ornaments), which have been referred to in the impugned judgment and order of the learned Additional Sessions Judge, Gondal in Sessions Case No. 36 of 1988, which has been rejected by the learned Additional Sessions Judge, Gondal by the impugned judgment and order dated 29.1.1994. Therefore the present Revision Application has been filed by the Petitioner.

**[2]** Heard learned advocate Mr. Tushar L.Seth for the Petitioner, learned APP Mr.K.T.Dave for Respondent No.1 and Mr.R.C.Jani, learned advocate for Respondent Nos. 2 and 3 as amicus curiae.

**[3]** In view of the judgment and order passed by this Court in Criminal Appeal No.233 of 1989 with Criminal Appeal No. 411 of 1989, by which both the Appeals are dismissed, the impugned judgment and order of the Court below, in Sessions Case No.36 of 1988 has been confirmed, therefore, the mudamal (ornaments) referred to in the impugned judgment, by which the learned Additional Sessions Judge, Gondal has ordered to return it to 7 daughters of the deceased, is also required to be confirmed.

However, as one of the daughter Puspaben has expired as stated at the bar, instead of Puspaben, the heirs of deceased Puspaben would be entitled to claim, though this Court is not required to go into the details. Therefore, as the judgment of the learned Additional Sessions Judge, Gondal in Sessions Case No. 36 of 1988 is confirmed and maintained, the observation and the order with regard to returning the mudamal (ornaments) is also confirmed, and mudamal (ornaments) is ordered to be returned to the daughters, in accordance with law and subject to the formalities.

**[4]** The impugned judgment and order passed by the Court below dated 29.1.1994 in Misc. Criminal Application No. 2 of 1994, which has been challenged in the present Revision Application, is hereby quashed and set aside. The Revision Application accordingly stands allowed.

