

**IN THE COURT OF 3RD ADDITIONAL SESSIONS JUDGE,
BHAVNAGAR**

Sessions Case No. 14/2020

Complainant : State of Gujarat

Versus

**Accused : Balarambhai Lakshmirambhai
Dhandhala & Others.**

:: ORDER BELOW EX. 1 ::

01. Learned Advocate Mr. C.B. Astik appearing on behalf of the accused in Sessions Case No.14/2020 had preferred an application *vide* Ex.6 stating and contending therein that Criminal Case No.5045/2019 arising out of the offence registered as C.R. No.41/2019 with Ghogha Road Police Station, Bhavnagar and the present case on hand are cross case and, therefore, it may be tried together. Considering the application (Ex.6), the then Hon'ble Sessions Judge, Bhavnagar was pleased to allow the application (Ex.6) and thereby ordered the learned lower court to commit the Criminal Case No.5045/2019 and send the same to the Sessions Court and to try the said case with the present Sessions Case No.14/2020.
02. Being aggrieved by the said order passed below **Ex.1** in **Sessions Case No.14/2020** on **04.03.2020**, applicant namely **Mr. Sanjaybhai Dhirajlal Dave** (accused in **Sessions Case No.2/2021** or **Criminal Case No.5045/2019**) had preferred **R/Criminal Misc.**

Application (for quashing and setting side FIR/order) No.3192/2022 and the Hon'ble Gujarat High Court [Coram: Honourable Mr. Justice Nirzar S. Desai] was pleased to allow the petition vide oral order dated 01.07.20225, which is reproduced hereunder :-

"14. In the result, the petition succeeds and is allowed. The order dated 4.3.2020 passed below Exh.1 in Sessions Case No.14 of 2020 by learned Sessions Judge, Bhavnagar is quashed and set aside. Rule is made absolute to the above extent. No order as to costs."

03. The above Writ has been served upon this Court and contents thereof are noted.
04. It is to be noted that as per the order passed the then Hon'ble Sessions Judge, Bhavnagar the said Criminal Case No.5045/2019 was committed and it is numbered as Sessions Case No.2/2021 and during the pendency of both these Sessions Case Nos.14/2020 and 2/2021, another supplementary charge-sheet is also filed in Sessions Case No.2/2021 - which pertains to the offence registered vide C.R. No.41/2019 with Ghogha Road Police Station, Bhavnagar.
05. In view of the above factual aspect of the present case on hand, both the Sessions Case No.2/2021 and Sessions Case No.24/2022 (arising out of Sessions Case No.2/2021) are required to be transferred to the Court of Chief Judicial Magistrate, Bhavnagar since they are not sessions trialble, but the same were committed pursuant to the order

dated 04.03.2020 passed by the then Hon'ble Sessions Judge, Bhavnagar and the said order is now set aside as per the oral order dated 01.07.2025 passed by the Hon'ble Gujarat High Court in CRMA No.3192/2022. Therefore, I pass the following order :-

:: ORDER ::

- (1) Sessions Case No.2/2021 and Sessions Case No.24/2022 are separated from the file of Sessions Case No.14/2020.
- (2) The Deputy Registrar, Criminal Branch, District Court, Bhavnagar is hereby directed to send original record and proceedings of Sessions Case No.2/2021 and Sessions Case No.24/2022 to the Court of Chief Judicial Magistrate, Bhavnagar.
- (3) Further, Sessions Case No.2/2021 and Sessions Case No.24/2022 be restored as criminal case in the file of Chief Judicial Magistrate Court, Bhavnagar.
- (4) Copy of this order be placed in all the cases.

Pronounced in the open Court today on this **21st**
Day of **July, 2025.**

B H A V N A G A R.
DATE : 21/07/2025.

(MS. HETAL SURESHCHANDRA DAVE)
3RD ADDITIONAL SESSIONS JUDGE,
BHAVNAGAR.
UI CODE NO.GJ00693

* * *

pranav