

Order below under Exhibit No.73.

1. Both the Ld. Advocate of the parties heard, Read the application and record. The C.R.No.11203070210348/2021 has been registered against accused No.1 and 2 in the Visavadar Police Station under the Gujarat Control of Terrorism and Organised Crime Act, 2015 (hereinafter referred to as the "Gujctoc Act"). Which Gujctoc Act case No.4/2022 is under trial before the Hon'ble Gujctoc Special Court. So, as per section 10 of the Gujctoc Act, the proceedings of the case have been applied for abeyance.
2. Ld. A.P.P. for state has argued as his application and has mainly stated that the present proceedings should be abeyance by this Court as per under Section 10 of the Gujctoc Act.

He has submitted a copy of the FIR which is registered No.11203070210348/2021 at the Visavadar Police Station under the Gujctoc Act against the accused No.1 and 2, along with his argument. In which the names of the accused are mentioned.

It is further argued that the present petitioner/accused in his written argument has only stated that the 16 witnesses have been examined in this case and all the witnesses are hostile and most of the case proceedings have been completed and only this

application is made with the intention of delaying the trial. Therefore, he argued, under Section 10 of the Gujctoc Act, the present proceedings against the present accused have been requested to be abeyance.

3. While on the other hand the Ld. Advocate for the accused has given objection and written reply against the application. In which they have deposited 16 witnesses in this case. Most parts of the trial of the case have been completed and the present false application has been given with the intention of delaying the trial only.
4. Thus, considering the arguments and record of both the Ld. Advocate of the parties. It is a fact that a crime has been registered against the accused no.1 and 2 as per the Visavdar Police Station Crime Register No.11203070210348/2021 under Gujctoc Act. And also, Which appears under the trial of the Gujctoc Case No. 4/2022 is pending in the Hon'ble Gujctoc Special Court. Hence, in view of the provisions under Section 10 of the Gujctoc Act, it is as follows.

The Gujarat Control of Terrorism and Organised Crime Act, 2015.

10. The trial of any offence by a Special Court under this Act shall have precedence over the trial of any other case against the accused in any other court (not being a Special Court) and shall be concluded in preference of the trial of

such other case and accordingly the trial of such other cases in any other court shall remain in abeyance.

Thus, as per the above provision the trial of any offense by a Special Court takes precedence over the trial of any other case against the accused in any other court. It is also stated that the trial of any other case against the accused in any other court (not being a Special Court) and shall be concluded in preference of the trial of such other case and accordingly the trial of such other cases in any other court shall remain in abeyance.

The Crime No.11203070210348/2021 has been registered against the accused in the Visavadar Police Station under the Gujctoc Act. Which is under the Gujctoc case No.4/2022 trial is pending in the Hon'ble Gujctoc Special Court. So clearly there is a right to abeyance the present trial.

Also, in view of the above provision, it seems justified to abeyance the present trial, And no clear representation has been made by the accused in this regard. Therefore, it seems appropriate to accept the arguments of the Ld.APP for the prosecution.

Therefore, to allow the present Ld. APP's application, and, It seems justified to order the abeyance of the proceedings in the present case pending the completion of the proceedings in the Gujctoc case registered against the

accused in this case, therefore, in the interest of justice, the following order is made.

- ORDER -

The present application is hereby granted and, It is ordered that the proceedings of the present case be abeyance till the proceedings of the Gujktok case are completed.

The order is pronounced in open court today.

Date: 18-09-2023
Place: Visavadar.

(Jayeshkumar Laxmanbhai Shrimali)
2nd Addl. Sessions Judge, Visavadar.
(UID No.GJ00672)