

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION NO. 1768 of 2023

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PARTNER OF JAY KHODIYAR INDUSTRY, HIMANSHU DAHYABHAI
PATEL
Versus
STATE OF GUJARAT

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Appearance:

MR JIGAR G GADHAVI(5613) for the Applicant(s) No. 1
for the Respondent(s) No. 2
MR JK SHAH, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA

Date : 08/02/2023

ORAL ORDER

1. Heard Mr. Jigar Gadhavi, learned advocate for the applicant.

2. This application is filed for quashing of criminal proceedings being Criminal Case No.522 of 2020, filed by the respondent no.2 under Section 138 of the Negotiable Instruments Act.

3. Mr. Gadhavi, learned advocate for the applicant would submits that the cheque in question is issued for and on behalf of partnership firm and therefore, it is mandatory to join the partnership firm so as to make liable the person who has signed under Section 138 of N.I. Act.

4. On perusal of the complaint and copy of the cheque, it

appears that, partnership firm has not been impleaded as an accused. Thus, the matter deserves consideration.

5. Let **Rule** be issued returnable on **03.07.2023**. Learned APP waives service of rule for the respondent-State. Meanwhile, interim relief in terms of para-7(B) is granted. Direct service is permitted.

TAUSIF SAIYED

(ILESH J. VORA,J)