

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 1738 of 2022

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RAYDHANBHAI LAXMANBHAI RATHOD
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR VH KANARA(1881) for the Applicant(s) No. 1
SHIVANGI D VYAS(10117) for the Applicant(s) No. 1
DS AFF.NOT FILED (N) for the Respondent(s) No. 2
MS CM SHAH, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA

Date : 18/03/2024

ORAL ORDER

1. Heard Ms.Shivangi D. Vyas, learned advocate for the applicant and Ms.C.M. Shah, learned APP for the respondent – State.
2. This application is directed against the order dated 17.12.2021 passed below Exh.50, whereby the application for addition of accused R.L. Rathod has been allowed by the learned Second Additional Sessions Judge, Kodinar, Dist.: Gir-Somnath. *Prima facie*, it appears that at the relevant time, Mr.Rathod was posted for another work and he was not present when the demand was made as alleged in the proceedings.
3. In such circumstances, matter deserves consideration. Let

Rule be issued, returnable on 11.06.2024. Learned APP waives service of rule for the respondent – State. Meanwhile, the implementation and execution of the order impugned is hereby stayed qua present applicant.

4. It is made it clear that the Trial Court is at liberty to proceed further against the principal accused, on its own merits, in accordance with law and shall not wait the outcome of this application.

Rakesh

(ILESH J. VORA,J)