

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 1102 of 2024**

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LAKHAN RAMESHKUMAR THAKKAR
Versus
STATE OF GUJARAT

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Appearance:

MR JAL S UNWALA with MR MASOOM K SHAH(6516) for the Applicant(s)
No. 1
MR HARDIK SONI, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE M. R. MENGDEY

Date : 18/03/2026

ORAL ORDER

1. By filing the present petition, the petitioner has challenged the order passed by the learned 3rd Additional Chief Judicial Magistrate, Deesa, on an application submitted by the Investigation Officer for the issuance of warrant under Section 70 of Cr.P.C. against the petitioner.

2. From the record it appears that, the Detective Police Inspector Cyber Crime Cell, CID Crime, Gandhinagar Submitted an application before the learned Magistrate on 10.7.2023, seeking issuance of warrant under Section 70 of Cr.P.C. against the petitioner. As submitted in the application, the petitioner was not making himself available to the process of law.

3. It is stated in the application that the warrant under Section 70 of Cr.P.C. is issued against the petitioner, to enable Detective Police Inspector, as well as the local police, to arrest the petitioner.

4. Learned Magistrate vide order impugned in the petition allowed the said application. However, while allowing the

application it was observed by the learned Magistrate that several attempts were made to apprehend the petitioner. However, the petitioner appears to be absconding to evade arrest. For the purpose of further investigation and having regard to the seriousness of the offence, the learned Magistrate found it appropriate to issue the warrant as prayed for and accordingly, allowed the application preferred by the Investigating Officer.

5. Upon perusal of the order impugned in the petition, it appears that the warrant was ordered to be issued by the learned Magistrate to enable the Investigating Agency to arrest the petitioner. Therefore, it prima facie appears that the warrant was sought by the Investigating Agency solely in aid of investigation which is not permissible as per the decision of the Apex Court in the case of State through CBI Vs. Dawood Ibrahim Kaskar and others reported in (2000) 10 SCC 438.

6. Hence, issue Rule returnable on 15.06.2026. Interim relief in terms of Para 6(B) till the next date of hearing.

SAKSHI MAURYA

(M. R. MENGDEY,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: SAKSHI MAURYA(HC02367), ENGLISH STENO GRADE-II\, at High Court of Gujarat on 27/03/2026 13:03:06