

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION NO. 1374 of 2019

With

CRIMINAL MISC.APPLICATION NO. 1 of 2022

In R/SPECIAL CRIMINAL APPLICATION NO. 1374 of 2019

With

CRIMINAL MISC.APPLICATION (FOR STAY) NO. 4 of 2022

In R/SPECIAL CRIMINAL APPLICATION NO. 1374 of 2019

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NARENDRABHAI GORDHANBHAI PATEL & 1 other(s)

Versus

STATE OF GUJARAT & 1 other(s)

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Appearance:

MR VIRAT G POPAT(3710) for the Applicant(s) No. 1,2

MR ASHISH M DAGLI(2203) for the Respondent(s) No. 2

MS. MAITHILI D. MEHTA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI

Date : 04/10/2022

ORAL ORDER

ORDER IN CRI. MISC. APP. (FOR STAY) NO. 4 OF 2022:

1. Heard Mr. Virat G. Popat, learned counsel appearing for the applicants, Mr. Darshit M. Kamdar, learned counsel for Mr. Ashish M. Dagli, learned counsel appearing for the respondent no.2 and Ms. Maithili D. Mehta, learned APP appearing for the respondent No.1 – State.

2. The order dated 25.03.2019 passed in Special Criminal Application No. 1374 of 2019 reads thus:

“1. Both the petitioners are before this Court seeking quashment of the First Information Report being I-C.R. No. 20 of 2017 registered with Aslali Police Station, Ahmedabad alongwith Criminal Case No. 9471 of 2018 pending before the learned 7th Additional Civil Judge and JMFC, Ahmedabad (Rural).

2. According to the petitioners, in earlier petition preferred before this Court being Criminal Misc. Application No. 7561 of 2017, the Investigating Officer had remained present before this Court with the papers of investigation. He once again reiterated that there is no materials worth the name to connect the applicants herein with the alleged offences punishable under sections 465, 467, 468, 471 and 120 (B) of the Indian Penal Code. Learned advocate who appeared for the applicants also submitted that his clients have been unnecessary dragged into this frivolous prosecution. In that circumstances, this Court did not adjudicate the application further on merits because of the version of the Investigating Officer.

3. The present applicants have urged that thereafter on 08.07.2018, charge-sheet came to be filed against the present applicants, after they were given to understand that no case is made out against them. They, therefore, are before this Court seeking quashment of the First Information Report.

4. Issue Notice, returnable on 04th April, 2019. Learned Additional Public Prosecutor waives service of notice on behalf of the respondent – State.

5. Let the papers of investigation be called for, from the Investigating Officer.

6. The applicants shall be at liberty to make a request

to the concerned Court for adjournment till the next date. Once applicants make such an application, the concerned Court shall consider that request.

*Let the matter appear on **04th April, 2019.***

Direct service is permitted.”

3. By way of the present application, the applicants herein have prayed to stay the further proceedings of Criminal Case No. 9471 of 2018 pending in the Court of learned 3rd Additional Chief Judicial Magistrate and CBI Judge, Ahmedabad (Rural).

4. Since this Court is considering the main issue pending before this Court, interim arrangement which was directed by an order dated 25.03.2019 be continued till the next date of hearing.

5. In view of above, the Cri. Misc. Application (for stay) No. 4 of 2022 stands disposed of, accordingly.

Let the main matter alongwith the pending application be listed for hearing on 10.11.2022.

(VAIBHAVI D. NANAVATI,J)

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