

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION NO. 2064 of 2023****With****R/SPECIAL CRIMINAL APPLICATION NO. 2067 of 2023****With****R/SPECIAL CRIMINAL APPLICATION NO. 2070 of 2023**

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ATULBHAI GOPALBHAI PANSARA**Versus****STATE OF GUJARAT**

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Appearance:**KUMAR H TRIVEDI(9364) for the Applicant(s) No. 1,2,3****for the Respondent(s) No. 2****MS MOXA THAKKAR, APP for the Respondent(s) No. 1**

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CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA**Date : 13/02/2023****COMMON ORAL ORDER**

1. Mr. Darshan Dave, learned advocate states that he has instructions to appear for the original complainant and seeks permission to file his Vakalatnama with the Registry. Permission is granted. Registry shall accept the same.

2. Heard Mr. Kumar Trivedi, learned advocate for the applicants and Mr. Darshan Dave, learned advocate for the original complainant on advance copy.

3. Parties are present before this Court and upon inquiry, they have admitted the factum of settlement as averred in the affidavits. The affidavits are ordered to be taken on record.

4. Pursuant to the compromise arrived at between the parties, these applications have been directed against the

order dated 19.01.2023 passed in Criminal Appeal No.70 of 2017, Criminal Appeal No.71 of 2017 and Criminal Appeal No.72 of 2017, whereby learned Additional Sessions Judge at Keshod confirmed the conviction of the applicants recorded by J.M.F.C. at Maliya Hatina Court.

5. Learned advocates appearing for the respective parties submitted that, the dispute is private in nature and now all the stakeholders of the disputed land have decided to settle their dispute amicably. Learned advocates have heavily relied upon the decision of Apex Court rendered in case of **Ramgopal & Anr. Vs. The State of Madhya Pradesh** reported in **(2021 Lawsuit SC 580)** to submit that, even after the conviction confirmed by the Appellate Court, the High Court can exercise its inherent jurisdiction to set aside the conviction recorded by the Magisterial Court.

6. Considering the fact of compromise and the ratio laid down in case of *Ramgopal & Anr. (supra)*, let Rule be issued for final disposal returnable on 02.03.2023. Learned advocates appearing for the respective respondents waive service of Rule on behalf of the respective respondents. Meanwhile, interim relief in terms of para-5(B) is granted.

On the next date of hearing, presence of the parties is not necessary.

(ILESH J. VORA,J)

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