

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CRIMINAL APPLICATION NO. 1859 of 2022

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NARENDRA KANTILAL AMIN
Versus
STATE OF GUJARAT

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Appearance:

MR N D NANAVATY, SENIOR ADVOCATE WITH MR AKASH A
SINGH(8713) for the Applicant(s) No. 1
MS HETU M SUDARSHAN(10051) for the Applicant(s) No. 1
MR L B DABHI, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI

Date : 21/03/2022

ORAL ORDER

Learned advocate for the petitioner is permitted to join original First Informant as party respondent No.2.

Heard learned Senior Advocate Mr. Nirupam D. Nanavaty assisted by learned advocate Mr. Akash Singh for the petitioner.

Learned Senior Advocate has submitted that FIR came to be registered against the present petitioner and others. However, the investigating agency has submitted 'A' Summary Report before the concerned Magistrate Court. It was stated in the said report that the State Government has not granted sanction to prosecute the present petitioner. Copy of the said report is placed on record at page 118. It is further

submitted that thereafter the concerned Magistrate Court passed an order whereby process came to be issued against the petitioner and others on 06.08.2009. Against the said order, petitioner filed Revision Application before the Sessions Court. The Sessions Court has rejected the said Revision Application mainly on the ground that in the facts and circumstances of the present case, sanction of the Government is not required. Learned Senior Advocate submitted that in the present case, sanction was asked for by the concerned investigating agency which was specifically denied by the State Government. Copy of the said communication is placed on record at page 114 of the compilation. At this stage, it is pointed out that the order passed by the State Government is not challenged by the prosecution or the complainant before any forum. Therefore, it was not open for the Sessions Court to observe that in the present case sanction of the Government is not required.

In view of the aforesaid submissions, issue involved in present petition requires consideration. Hence, issue notice to the respondents returnable on 21.07.2022. Learned APP waives service of notice for the respondent - State.

Till the next date of hearing, ad-interim relief in terms of para 9(D).

(VIPUL M. PANCHOLI, J)

LAVKUMAR J JANI