

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 4530 of 2019**

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SUMANBHAI BALUBHAI CHAUDHARY

Versus

STATE OF GUJARAT

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Appearance:

MR.HIREN M MODI(3732) for the Applicant(s) No. 1,2

MS. MONALI BHATT, ADDITIONAL PUBLIC PROSECUTOR(2) for the
Respondent(s) No. 1

UNSERVED WANT OF TIM(31) for the Respondent(s) No. 2

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CORAM:HONOURABLE MS. JUSTICE GITA GOPI**Date : 21/06/2021****ORAL ORDER**

Mr. Hiren Modi, learned advocate for the applicant, drew the attention of the Court to the Order passed below Exh-1 in Preliminary Inquiry No. 1/18 by Judicial Magistrate First Class, Songadh on 14.8.2018 and stated that as per the observation of the JMFC, Songadh, the authority concerned is required to file a complaint in writing before the Special Court in terms of Section 30C of the Mines and Mineral (Development and Regulation) Act, 1957. Mr. Modi, learned advocate submits that the JMFC, Songadh had declined to take cognizance of the matter on 14.8.2018, as it was only the Special Court authorized to do so. Mr. Modi, learned advocate further submitted that without following the procedure, the FIR came to be lodged on 21.8.2018 as I-C.R. No. 78/2018 at Tapi Police Station. Thus, he stated that the very filing

the FIR is bad in law and, therefore, with the other grounds stated in the Application, prayer is made to quash and set-aside the said FIR. It appears from the record that the complainant Dharmendra Kanubhai Patel - Respondent No.2 has not been served with the Notice. He is the person who is required to be heard in the matter.

Let fresh Notice be issued against Respondent No.2, made returnable on 6.7.2021 through concerned Police Station, over and above the regular mode of service.

Direct Service is permitted.

SAJ GEORGE

(GITA GOPI,J)