

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 3613 of 2026

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NAVALSINH KARUBHA JADEJA
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR KIRTIDEV R DAVE(3267) for the Applicant(s) No. 1
DARSHAN M VARANDANI(7357) for the Respondent(s) No. 2
MR. H.K. PATEL, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY

Date : 27/04/2026

ORDER

1. By filing the present petition under Article 227 of the Constitution of India, the petitioner has prayed for the following reliefs: -

“a. Your Lordships be pleased to admit this petition.

b. Your Lordships be pleased to issuer writ of certiorari or any other appropriate writ, direction or order holding that the decision of the Ld. 8th Additional District and Sessions Judge, Bhuj during the deposition of Dr. Tanzim Vakaliya Exh-44 [Annexure-K] giving exhibits to documents at exh. 193 [Annexure-D], 194 [Annexure-E] and 195 [Annexure-F] is bad in law and it be quashed and set aside and the documents Exh-193, 194 and 195 including reference in Exh-44 be quashed and set aside.

c. Your Lordships be pleased to stay the further proceedings of Sp. Case [Atro.] 57 of 2022 pending before Ld. 8th Additional District and Sessions Judge, Bhuj pending admission, hearing and final disposal of this petition..

d. The applicant is in judicial custody and so affidavit may kindly be dispensed with.

e. Grant such other order and further relief/s that may be deemed fit and proper in the facts and circumstances of the case.

2. The facts and circumstances giving rise to the filing of the present

petition are such that the present petitioner is facing the trial for an offence punishable under Section 302 of the IPC. Pursuant to the order of this Court dated 29.01.2026 passed in Special Criminal Application No.3282 of 2025, witness Dr. Tanzim Vakaliya was being examined before the learned Trial Court. During her examination, she was asked certain questions with regard to the medico legal certificate of the victim. The learned defense counsel representing the petitioner before the learned Trial Court has raised an objection as regards those questions on the ground that this Court had denied permission to the first informant for production of the photocopies of those documents. The learned Trial Court vide order dated 02.03.2026 has discarded the objections and has allowed the witness to produce the documents in question on record. Being aggrieved by the same, the petitioner has approached this Court by filing the present petition.

3. Learned Advocate Mr. Kirtidev Dave appearing for the petitioner has submitted that this Court had categorically denied the permission to the first informant for production of the photocopies of the documents which are sought to be produced by the witness during the course of her deposition. However, despite the order of this Court passed in Special Criminal Application No.3282 of 2025, the learned Trial Court has overreached the authority of this Court and has allowed the witness to produce the documents in question. He, therefore, submitted to allow the present petition and quash and set aside the impugned order.

4. Learned APP has opposed the present petition.

5. Learned Advocate appearing for the Respondent No.2 has also opposed the petition.

6. Heard learned Advocates for the parties. This Court in its earlier order dated 29.01.2026 passed in Special Criminal Application No.3282 of 2025 had made the following observations: -

“So far as the aspect of photographs of medical case papers of the deceased are concerned, the petition fails in view of the record as those photographs were in possession of the petitioner from very inception and therefore, the prayer for production of those photographs cannot be allowed at a such belated stage.”

7. Thus, this Court had precluded the first informant from producing the photographs of the MLC and other medical case papers before the learned Trial Court at a belated stage. However, this Court had granted permission to recall the witness viz. Dr. Tanzim A. Vakaliya. During the course of her examination, certain questions were asked to her with regard to the documents in question and the objections raised in this regard on behalf of the petitioner, has been discarded by the learned Trial Court. This Court in its earlier order dated 29.01.2026 has not observed anything with regard to restricting the witness from production of the original documents of the medico legal case papers. What was sought to be produced by the first informant were the photocopies of those documents whereas the witness is seeking to produce the original documents on record. This Court had directed witness Dr. Tanzim Vakaliya to be recalled as there was some discrepancy in her deposition recorded and medico legal case papers. Therefore, production of the original documents becomes necessary. It is also brought to the notice of this Court that after the deposition of the witness was over, she has been cross-examined in detailed on behalf of the petitioner and presently, the trial is at the stage of examination of defense witness. The documents which were allowed to be produced by the learned Sessions Court, would be required for arriving at the just conclusion during the course of trial. Having regard to these aspects, the present petition is hereby dismissed.

(M. R. MENGDEY,J)

RAVI OZA