

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 3870 of 2026**

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KUSHAL BABULAL JAIN
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MS. KRUTI SHAH, ADVOCAT for MS. MR. HIMANSHU M SAMPAT(17409)
for the Applicant(s) No. 1
MS. PRIYANSHI V TRIVEDI(17555) for the Applicant(s) No. 1
MS. DHWANI TRIPATHI, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE M. R. MENGDEY

Date : 23/03/2026

ORAL ORDER

1. Heard learned Advocate appearing for the Petitioner and learned APP for the Respondent – State.
2. Learned advocate appearing for the Petitioner submits that there is no concept of appointing Court Commissioner either in the SARFAESI Act or in the Bharatiya Nagrik Suraksha Sanhita, 2023. She also submits that pursuant to the impugned order passed by the Magistrate, ordering appointment of Court Commissioner, the Court Commissioner also came to be appointed, who then issued notice to the applicant, and immediately upon receipt of such notice, the applicant has approached this Court by way of filing the present application.
3. Considering the aforesaid submissions, the matter requires consideration. Hence, issue Notice, making it returnable on 6.05.2026. Learned APP waives service of notice for and on

behalf of the respondent State.

4. Till then, the execution, implementation and operation of the order dated 15.11.2025 passed by the learned Addl. Chief Judicial Magistrate, Ahmedabad City in Criminal Misc. Application No. 10921 of 2025 as well as the impugned notice dated 26.02.2026 issued by the Court Commissioner is hereby stayed. Direct service is permitted today.

(M. R. MENGDEY,J)

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