

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CRIMINAL APPLICATION NO. 5448 of 2019

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KANTILAL NARSHIBHAI BHIMANI
Versus
STATE OF GUJARAT

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Appearance:

MR MEET D PANSURIA(10170) for the Applicant(s) No. 1
NOTICE NOT RECD BACK for the Respondent(s) No. 2
MS MD MEHTA, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 19/04/2022

ORAL ORDER

1. Heard learned Advocate Mr.Meet Pansuria for the petitioner and learned APP Ms.Mehta for the respondent State.
2. By way of this petition, the petitioner *inter alia* challenges an FIR being C.R. No.I-4/2018 registered with Jamnagar ACB Police Station on 11.9.2018.
3. Learned Advocate Mr.Pansuria would draw the attention of this Court to an entry with City Survey Office, which would show that the Entry No.602 had been certified on 17.11.2017 and whereas the allegation in the FIR being for certifying the said entry the petitioner had demanded an amount of Rs.800/-. Learned Advocate Mr.Pansuria would submit that the narration of the FIR would reveal that after the entry had been certified the petitioner had sought for the alleged bribe on 1.1.2018, that also in a conversation with the learned Advocate for the complainant. It also appears that a trap had been laid and whereas since the petitioner was on leave on the said date the trap was not successful. It further appears that the petitioner had also sought for fees with regard to

certification of entry, more particularly late charges with regard to the said certification.

4. Having regard to the above, while it *prima facie* appears that the alleged demand for bribe was made much after the work for which it had been sought for was done. Furthermore, the trap was also unsuccessful as it did not reveal anything against the applicant. The FIR appears to have been lodged approximately 9 months after the first complaint. The investigation has been continuing since the year 2018 and whereas the petitioner is also stated to be released on anticipatory bail by the learned Sessions Court, therefore, under such circumstances, while the investigation is permitted to continue, the Investigating Officer shall not file charge-sheet without the permission of this Court.
5. List the present application on 14.6.2022 along with Criminal Misc. Application No.5712 of 2017 and allied matters.

V.V.P. PODUVAL

(NIKHIL S. KARIEL,J)