

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 10465 of 2019****With****R/CRIMINAL MISC.APPLICATION NO. 16256 of 2020**

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ASHOKBHAI JASABHAI PATEL

Versus

STATE OF GUJARAT

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Appearance:

MR MR ADIL R MIRZA(2488) for the Applicant(s) No. 1,2

MR JAL UNWALLA for the Applicant(s) No.

MR MANAN A SHAH(5412) for the Respondent(s) No. 2

NOTICE SERVED BY DS for the Respondent(s) No. 3

MS MD MEHTA, ASSISTANT PUBLIC PROSECUTOR for the Respondent(s)
No. 1

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CORAM:**HONOURABLE MR. JUSTICE NIKHIL S. KARIEL****Date : 27/04/2022****ORAL ORDER**

1. Heard learned Senior Advocate Mr. Jal Unwalla on behalf of the applicants and learned APP Ms. M. D. Mehta on behalf of the respondent-State, learned Advocate Mr. Manan A. Shah on behalf of the respondent no. 2.

2. Learned Advocate Mr. Shah on behalf of the original complainant draws the attention of this Court to an order of the Hon'ble Apex Court dated 28.03.2022 whereby the Hon'ble Apex Court had *inter alia* noting the fact that since investigation had not proceeded for approximately 3 years, had directed the investigation to be transferred to the CID Crime.

2.1. Learned Advocate Mr. Shah would submit that vide an order passed by this Court dated 11.06.2019 whereby the petitioners were protected in

as much as this Court had directed that no coercive action shall be taken against the applicants and whereas in view of the investigation being transferred to another agency, the protection may be vacated, for ensuring a speed investigation.

3. This Court is of the considered opinion that since the order of no coercive steps is continuing in favour of the applicants from the year 2019/ 2020 and whereas since the Hon'ble Apex Court does not appear to have stated anything with regard to the same, at this stage it is only required to be clarified that the CID crime shall comply with and investigate in to the offence as directed by the Hon'ble Apex Court and whereas in case during course of the investigation if the Investigating agency is of the opinion that custodial interrogation of the applicant/s is required at any stage then it would be open for the investigating agency to approach this Court through learned APP by filing appropriate application for clarification/ modification.

4. Let the matters be listed on the 29.06.2022.

Mrs. J. J. Kedia

(NIKHIL S. KARIEL,J)