

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION NO. 4789 of 2021

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ANILKUMAR BHAILALBHAI THAKOR (A.B.THAKOR)

Versus

STATE OF GUJARAT

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Appearance:

MR RUTVIJ S OZA(5594) for the Applicant(s) No. 1

MR UMANG R VYAS(5595) for the Applicant(s) No. 1
for the Respondent(s) No. 2

MR L B DABHI, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI

Date : 18/06/2021

ORAL ORDER

Heard learned advocate Mr. Rutvij Oza appearing for the petitioner.

It is submitted that private complaint has been filed by the respondent No.2 against the petitioner before the concerned Magistrate Court and the concerned Magistrate, after making inquiry under Section 202 of the Code of Criminal Procedure, 1973, took the cognizance and issued process against the petitioner for the alleged offence punishable under Section 217 of IPC. Copy of the said order is placed on record at page 122. It is further submitted that the petitioner was a public servant at the relevant point of time when the complaint was filed and concerned Magistrate passed an order taking cognizance of the offence. It is further submitted that before issuance of the process previous sanction of the competent authority has not been obtained and

thereby there is breach of Section 197 of the Code. Learned advocate has, therefore, urged that impugned proceedings be quashed and set aside only on this ground.

In view of the aforesaid submissions, issue **notice** to the respondents returnable on **06.09.2021**. Learned APP waives service of notice for the respondent - State. Till the next date of hearing, ad-interim relief in terms of para 7(B) is granted.

(VIPUL M. PANCHOLI, J)

LAVKUMAR J JANI