

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL REVISION APPLICATION (AGAINST ORDER PASSED BY
SUBORDINATE COURT) NO. 1444 of 2026**

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PARMAR ASHOKBHAI VALJIBHAI & ORS.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR NR KODEKAR(5020) for the Applicant(s) No. 1,2,3,4,5,6

MR. ALKESH N SHAH(3749) for the Applicant(s) No. 1

MR HARDIK SONI, ADDITIONAL PUBLIC PROSECUTOR for the
Respondent(s) No. 1

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CORAM: HONOURABLE MS. JUSTICE GITA GOPI

Date : 08/05/2026

ORDER

1. Draft amendment allowed. To be carried out forthwith.
2. The applicants are the police personnel challenging the legality and validity of the order dated 02.05.2026 passed in Criminal Enquiry No.26 of 2022 passed by the learned Judicial Magistrate First Class (JMFC), Matar.
3. Learned advocate for the applicants Mr. A.N. Shah submitted that the learned JMFC has failed to take into consideration the provisions of Section 223 of the Bharatiya Nagarik Suraksha Sanhita where it is very much clearly clarified that no cognizance of the complaint against the public servant for any offences alleged to

have been committed in the course of discharge of his official function or duties is to be taken unless the public servant is given an opportunity to make assertions as to the situation that led to the incident so alleged leading to the incident was alleged and further the report containing the facts and circumstances of the incident from the official superior to such public servant is received.

4. Learned advocate for the applicants has also pointed to the impugned order and submitted that no such procedure has been followed and the learned JMFC, Matar had directly ordered the summons to be issued against the seven police personnel under Sections 323 and 166 of the Indian Penal Code (IPC).
5. In view of the above, **RULE** returnable on **AUGUST 17, 2026**. Learned Additional Public Prosecutor waives service of notice of Rule on behalf of the respondent-State. Having considered the submissions advanced, the grounds raised and Section 223 of the BNSS, the order dated 02.05.2026 passed in Criminal Enquiry No.26 of 2022 by the learned Judicial Magistrate First Class (JMFC), Matar is **STAYED** till further orders.

Direct Service is permitted.

Sd/-
(GITA GOPI,J)