

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 3330 of 2020****With****R/SPECIAL CRIMINAL APPLICATION NO. 2697 of 2020****With****CRIMINAL MISC.APPLICATION (DIRECTION) NO. 1 of 2020****In R/SPECIAL CRIMINAL APPLICATION NO. 2697 of 2020****With****R/SPECIAL CRIMINAL APPLICATION NO. 5070 of 2021****With****CRIMINAL MISC.APPLICATION (FIXING DATE OF EARLY HEARING) NO.****1 of 2021****In R/SPECIAL CRIMINAL APPLICATION NO. 5070 of 2021****With****R/SPECIAL CRIMINAL APPLICATION NO. 7862 of 2021****ABHISHEK KUMAR MISHRA****Versus****STATE OF GUJARAT & ANR.****Appearance:****PARTY IN PERSON(5000) for the Applicant(s) No. 1****MS. YASHMA R MATHUR(6374) for the Respondent(s) No. 2****PUBLIC PROSECUTOR for the Respondent(s) No. 1****CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR****Date : 19/07/2024****ORAL ORDER**

1. Heard Party-in-person.
2. The party-in-person submitted that the earlier matter was listed before the Coordinate Bench of this Court, presided over by Mr. Justice Sandeep N. Bhatt. Arguments were concluded, and the matter was listed repeatedly before the same court. Subsequently, the matter was notified top of the Board. Before the judgment of the Coordinate Bench could be pronounced, the

roster was changed, and the matter was listed before Mr. Justice Cheekati Manavendranath Roy. On 21.03.2024, the Court passed the following orders:

“1. The petitioner, who is appearing in person, submits that the matter was already heard finally by a coordinate Bench of this Court and before pronouncing the order that the roster has been changed and it is now listed before this Bench. He submits that he has approached the Supreme Court in a Writ Petition (Criminal) No.86 of 2024 seeking permission to transfer this application to the same Bench, which has already heard the matter for disposal and that he has withdrawn the said application with liberty to make a prayer before appropriate Court and that the Supreme Court has dismissed the said application as withdrawn, reserving the liberty, as prayed for. He further submits that when he has filed an application to transfer this application to the Bench, which has already heard the matter that the registry has not entertained the same.

2. Therefore, as the petitioner now intends to have the matter disposed by the same Bench, which has already heard the matter, he is permitted to move an appropriate application as per the liberty granted to him by the Supreme Court before Honourable the Chief Justice seeking transfer of this application to the Bench, which has already heard the matter. If any such application is filed, the registry shall entertain the same.

3. Stand over to 26.4.2024.”

3. The Coordinate Bench directed the Registry to accept the application filed by the party-in-person and place the matter before the Hon’ble Chief Justice, seeking the transfer of the application to an appropriate Bench. Then the matter was placed by the Registry on 27th March 2024. However, as no judicial order was passed and the matter was placed on the administrative side, it was once again listed as per the roster before this Court.

4. Today, the party-in-person requested that the matter be transferred to the same Bench (Coram: Mr. Justice Sandeep N.

Bhatt) where it was heard finally, as per the order of the Coordinate Bench on 21.03.2024. In this regard, he approached the Hon'ble Supreme Court of India in Writ Petition (Criminal) No.85 of 2024, seeking permission to transfer this application to the same Bench which had already heard the matter for disposal. He withdrew the said application with liberty to make a prayer before the appropriate Court, and the Supreme Court dismissed the application as withdrawn, reserving the liberty to make request before the appropriate Court.

5. In view of the above, perusing the order dated 22.06.2023 and order dated 30.06.2023, it appears that the matter was heard by Coordinate Bench of this Court (Coram: Mr. Justice Sandeep N. Bhatt). Hence, the matter is required to be placed before the same Bench. Therefore, Registry is directed to place the matter before the Hon'ble Chief Justice for appropriate/necessary direction.

(HASMUKH D. SUTHAR,J)

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