

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 13545 of 2026

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MAHESH BODURAM YADAV
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR PREMAL S RACHH(3297) for the Applicant(s) No. 1
MR.MEET THAKKAR, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MRS. JUSTICE M. K. THAKKER

Date : 16/06/2026

ORAL ORDER

1. Learned advocate M.Premal Rachh submits that the petitioner, under the bona fide intend to assist his senior who was medically incapacitated and to follow his instructions, has filed application for exemption and adjournment which is prepared and signed by his senior advocate Mr.H.M.Bhatt who was appearing in the trial proceedings for the accused. It is submitted by learned advocate M.Premal Rachh that under the bona fide impression that as the applicant is practicing with his senior since 2023 his vakalatnama would be present, on being asked if he was appearing with learned advocate Mr.H.M.Bhatt, the applicant answered in affirmative.

- 1.1. It is submitted by learned advocate Mr.Premal Rachh

that the present applicant has enrolled in LLB and has obtained the certificate dated 17.09.2023. It is submitted by learned advocate Mr.Premal Rachh that as in the vakalatnama the applicant's signature was not present, the Court became annoyed and the applicant left the Court in panic to ask his senior about further course of action. It is submitted by learned advocate Mr.Rachh that impugned compliant which is filed under section 242 and 319 of BNS as well as section 45 of the Advocate Act does not satisfy the ingredients of said Acts.

- 1.2. It is submitted by learned advocate Mr.Premal Rachh that the applicant never assumed fake identity by representing himself as another advocate and as the applicant was duly enrolled advocate in the State Bar Council of Gujarat and held valid certificate, the impugned complaint filed against the present applicant is nothing but abuse of process of law. It is submitted that the advocate on record namely Mr.H.M.Bhatt has also supported the case of the applicant by filing an affidavit which is part of the record at page 50 stating he was suffering from critical knee cartilage condition and

undergoing continuous medical treatment and as he was unable to appear before learned trial Court, he sent his junior along with the application for exemption and adjournment.

- 1.3. It is submitted by learned advocate Mr.Premal Rachh that the applicant did not participate in the trial by cross-examining the witness who was in the box however on completion of the chief-examination the Court has directed the Registrar to lodge a complaint. It is submitted by learned advocate M.Premal Rachh that the applicant is aged about 28 years and is an enrolled advocate in the year 2023, his entire career would be ruined if this compliant is not stayed.
2. Considering the above submissions, let notice be issued making it returnable on 27.07.2026. Learned APP Mr.Meet Thakkar waives service of notice on behalf of respondent-State.
3. Ad-interim relief in terms of para 8.B. is granted.

ARCHANA S. PILLAI

(M. K. THAKKER,J)