

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 12478 of 2022

With

R/CRIMINAL APPEAL NO. 1341 of 2022

=====

DIVYESH KANTILAL RESHAMWALA PROPRIETOR OF D.K.ENTERPRISE
Versus
SNEHAL SHASHIKANT KAPADIYA

=====

Appearance:

MR HARDIK A DAVE(3764) for the Applicant(s) No. 1

for the Respondent(s) No. 1

MS JIRGA JHAVERI, APP for the Respondent(s) No. 2

=====

CORAM:HONOURABLE DR. JUSTICE ASHOKKUMAR C. JOSHI

Date : 11/07/2022

ORAL ORDER

ORDER IN CRIMINAL MISC. APPLICATION NO. 12478 of 2022

1. Rule. Learned APP Ms. Jirga Jhaveri appears and waives service of notice of Rule on behalf of the respondent No. 2 – State.

2. The present Criminal Miscellaneous Application is filed by the applicant under Section 378(4) of the Code of Criminal Procedure seeking leave to appeal challenging the impugned judgment and order dated 4.1.2020 passed in Criminal Case No. 30841 of 2018 by the learned 9th Additional Chief Judicial Magistrate, Surat recording the acquittal under the Negotiable Instruments Act.

3. Heard learned advocate Mr. Hardik Dave for the applicant and learned APP Ms. Jirga Jhaveri for the respondent No. 2 – State.

4. Perused the impugned judgment and order dated 4.1.2020 passed in Criminal Case No. 30841 of 2018 by the learned 9th Additional Chief Judicial Magistrate, Surat and considering the averments made in the application and considering the submissions made by the learned advocate for the applicant, the matter requires consideration. Therefore, the leave to appeal as prayed for deserves to be granted and the present Criminal Misc. Application stands allowed and disposed of accordingly. Rule is made absolute.

ORDER IN CRIMINAL APPEAL NO. 1341 of 2022

1. This appeal is ***admitted***.
2. Issue Bailable Warrant in sum of ***Rs.5,000/-*** against the respondent -original accused.

SUYASH /PR-1

(A. C. JOSHI,J)