

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 12305 of 2013**

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SWAMI MADHAVPRASAD GURU HARIPRASADJI

Versus

STATE OF GUJARAT

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Appearance:

MR BM MANGUKIYA(437) for the PETITIONER(s) No.

1,10,11,12,13,2,3,4,5,6,7,8,9

MS BELA A PRAJAPATI(1946) for the PETITIONER(s) No.

1,10,11,12,13,2,3,4,5,6,7,8,9

MS C. M. SHAH, APP for the RESPONDENT(s) No. 1

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CORAM: HONOURABLE MS.JUSTICE BELA M. TRIVEDI**Date : 29/11/2018****ORAL ORDER**

1.The present application has been filed by 13 applicants, challenging the order dated 05.07.2013 passed by the Judicial Magistrate First Class, Gadhada below Exh.9 in Criminal Case No.526 of 2007, committing the case to the Sessions Court, Bhavnagar, for trial under section 209 of the Code of Criminal Procedure.

2.From the submissions made by learned advocates for the parties and perusing allegations made in the complaint as well as in the charge-sheet, it prima facie appears that some mischief has been played by the Investigating Officer in filing the charge-sheet only against some of the accused and that too for the offences under sections 143,

151, 186, 120B and 34 of the Indian Penal Code only and not filing against others more particularly against Swami Ghanshyam Prasadji, though there were serious allegations against them. It has been stated in the charge-sheet that a separate charge-sheet would be filed against Shastri Swami Ghanshyamprasad and other accused for the offences under other sections of the IPC. However, no charge-sheet is filed against them so far.

3. Under the circumstances, learned APP is directed to call the concerned Investigating Officer, though he has retired, to remain present in the Court on **6th December, 2018 at 2:30 p.m.** alongwith his affidavit explaining the aforestated situation.
4. Put up on **6th December, 2018 at 2:30 p.m.** Copy of this order be made available to the learned APP today itself.

(BELA M. TRIVEDI, J)

TUVAR