

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**CRIMINAL REVISION APPLICATION (AGAINST ORDER PASSED BY
SUBORDINATE COURT) NO. 125 of 2015**

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SHRI DHIRUBHAI NATHUBHAI CHAUHAN....Applicant(s)

Versus

STATE OF GUJARAT....Respondent(s)

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Appearance:

MR EE SAIYED, ADVOCATE for the Applicant(s) No. 1

MS. MOXAT THAKKAR ADDL.PUBLIC PROSECUTOR for the Respondent(s)
No. 1

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CORAM: HONOURABLE MR.JUSTICE G.R.UDHWANI

Date : 14/09/2015

ORAL ORDER

1. Rule.

Learned APP waives service.

2. Prima facie, considering the fact that the petitioner is a Sarpanch and thus, a “public servant” within the meaning of section 197 of Criminal Procedure Code, which bars cognisance of the matter by the Court in absence of sanction and considering the fact that no sanction is obtained and as also considering the evidence on record

that the petitioner by resolution passed by majority of the members of Gram Panchayat had withdrawn the money and considering the evidence on record suggesting that the money was expended for the purpose for which it was withdrawn and also considering the fact that during the period which the petitioner had been charged for misappropriation, Talati cum Mantri was not posted with the Panchayat for the purpose of maintaining the account, whose duty it was to do so, and considering the fact that Talati could not have legally objected to the resolution being passed by the elected body, he being a mere Secretary, and therefore, his objection could not be given any weightage, interim order, whereby the petitioner is ordered to be enlarged on bail shall continue till final hearing of this Revision Application.

(G.R.UDHWANI, J.)

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