

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION NO. 1798 of 2015**

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SANDIP KISHANSINH YADAV

Versus

STATE OF GUJARAT & 1 other(s)

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Appearance:

MR BM MANGUKIYA(437) for the Applicant(s) No. 1

MS BELA A PRAJAPATI(1946) for the Applicant(s) No. 1

DS AFF.NOT FILED (N) for the Respondent(s) No. 2

MS. MAITHILI MEHTA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI**Date : 20/06/2022****ORAL ORDER**

1. Today, it is noticed by the Court that an affidavit submitted by learned APP Ms. Mehta appearing for the respondent-State was affirmed by head constable Mr. Harpalsinh Hardevsinh. I am surprised that in a matter when an affidavit in respect of investigation is filed before the highest Court of State instead of Investigating Officer or the Police Inspector, the duty of filing of affidavit before the High Court was cast upon head constable.

2. What is more shocking is that the matter was investigated by the City Crime Branch. The said affidavit since it was affirmed by head constable, who was not an Investigating Officer or a person below the rank of

Investigating Officer, who is usually P.S.I. or P.I., this Court deem it appropriate not to accept the affidavit.

3. Police Inspector, City Crime Branch to file a fresh affidavit along with necessary material found against the present applicant as well as with an explanation as to why the affidavit was not filed by Police Inspector and the said duty was cast upon the head constable.

4. Upon the request being made by learned APP Ms. Maithili Mehta appearing for the respondent-State, stand over to **27.06.2022.**

SUYASH

(NIRZAR S. DESAI,J)