

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO.13171 of
2023

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NEELU SANJAY GUPTA
Versus
STATE OF GUJARAT & ANR.

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Appearance :

PRITHU PARIMAL for the Applicant.

MR BHARGAV PANDYA, APP for the Respondent.

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CORAM: HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 11/09/2024
ORAL ORDER

Learned advocate Mr. Parimal submits that the applicant who was erstwhile Director of the Company had resigned from the Company with effect from 29.4.2010 and by filling Form No.32, which was duly accepted and uploaded on the website of ROC. He further points out from the complaint being Criminal Case No.4561 of 2018, more particularly paragraph 5, that the cheque was returned on 4.10.2014 i.e. almost after four years after the present applicant resigned as Director and, therefore, the proceedings against the applicant are misconceived and misuse and abuse of process of law and hence, the same is required to be stayed.

Considering the above submission as well as the documents available on record, **issue notice to the respondents returnable on 27.11.2024**. Learned Additional Public Prosecutor waives service of notice on behalf of respondent No.1 - State.

Direct service to respondent No.2 is permitted.

In the meantime, there shall be ad-interim relief in terms of paragraph 7 (C) qua the applicant only with a clarification that the proceedings are not stayed qua other accused persons.

(NIRZAR S. DESAI,J)

SAVARIYA