

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**CRIMINAL REVISION APPLICATION (AGAINST CONVICTION -
NEGOTIABLE INSTRUMENT ACT) NO. 506 of 2016****With****CRIMINAL REVISION APPLICATION NO. 507 of 2016****TO****CRIMINAL REVISION APPLICATION NO. 510 of 2016**

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IMTIYAZ UMARBHAI DAL....Applicant(s)

Versus

STATE OF GUJARAT & 1....Respondent(s)

Appearance in Cr.RA No.506/2016, 507/2016 and 510/2016:

MR ASHISH M DAGLI, ADVOCATE for the Applicant(s) No. 1

MR MANAN MEHTA, APP for the Respondent(s) No. 1

Appearance in Cr.RA No.508/2016 and 509/2016:

MR ASHISH M DAGLI, ADVOCATE for the Applicant(s) No. 1

MR KP RAVAL, APP for the Respondent(s) No. 1

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CORAM: **HONOURABLE MR.JUSTICE S.G.SHAH****Date : 14/07/2016****COMMON ORAL ORDER**

1. Heard learned advocate Mr.Ashish Dagli for the applicant and concerned learned APP in all the matters.

2. Learned advocate for the applicants has pointed out from the evidence of the complainant that applicant has periodically deposited certain amount in cash against several cheques issued in advance as per agreement between them. He has also pointed out that issue regarding eligibility of the President to file complaint in absence of

express permission by the Chief Officer, has been considered by the Sessions Court in Criminal Revision Application Nos.102 to 106 of 2005, wherein though revision applications were dismissed, the Sessions Court has practically, observed that the complainant should produce the requisite permission or sanction of the Chief Officer during trial. Therefore, it is submitted that there is no proper permission granted by the Chief Officer of the Municipality as required u/s.24(2) of the Bombay Provincial Municipal Corporations Act, 1949 and such fact has been admitted by the complainant in her cross-examination when she deposed that it is true that Chief Officer has not given written authority to her to file such complaint. In view of such fact, there is a reason to scrutinize the entire evidence and record to verify that whether there is any irregularity or illegality in the impugned order or not. Therefore, the present Criminal Revision Applications are admitted. Hence, **Rule**. Learned APP waives service of notice of rule for respondent No.1 - State in respective matters. Registry shall call for the R & P from the concerned trial Court and shall list the matters after the receipt of R & P.

3. In the mean while, interim relief in terms of paragraph 7(C) is granted till then.

4. Considering the overall facts and circumstances of the case and sentence imposed by

order dated 18.10.2007 by the learned Judicial Magistrate First Class, Manavadar in Criminal Case No.377 of 2000 as well as order dated 22.6.2016 passed by the learned 4th Addl.Sessions Judge, Junagadh in Criminal Appeal No.65 of 2007 rejecting the appeal filed by the present applicant, the present applications requires consideration and the same are allowed. The sentence imposed by order dated 18.10.2007 by the learned Judicial Magistrate First Class, Manavadar in Criminal Case No.377 of 2000 as well as order dated 22.6.2016 passed by the learned 4th Addl.Sessions Judge, Junagadh in Criminal Appeal No.65 of 2007, are hereby suspended. The applicant shall be released on regular bail on executing personal bond of Rs.25,000/- (Rupees Twenty-five thousand only) in each matter and one surety of like amount to the satisfaction of the Trial Court and subject to the conditions that he shall;

(a) surrender passport, if any, to the lower court within a week;

(b) not leave the State of Gujarat without prior permission of the Trial Court;

(c) furnish the present address of residence to the I.O. and also to the Court at the time of execution of the bond and shall not change the residence without prior permission of this Court;

5. Direct service is permitted.

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(S.G.SHAH, J.)