

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL REVISION APPLICATION (AGAINST ORDER PASSED BY  
SUBORDINATE COURT) NO. 1267 of 2025**

=====

HITENDRAKUMAR RAMJIBHAI CHAUDHARI  
Versus  
STATE OF GUJARAT & ANR.

=====

**Appearance:**

MR. RAHUL R DHOLAKIA(6765) for the Applicant(s) No. 1  
MR. ZAFAR K. BELAWALA(14532) for the Applicant(s) No. 1  
MR. H K PATEL APP for the Respondent(s) No. 1

=====

**CORAM:HONOURABLE MR.JUSTICE L. S. PIRZADA****Date : 07/08/2025****ORAL ORDER**

1) Issue notice to the respondent no.2 through, returnable on 08.09.2025. Learned APP waives service for the respondent - State.

2) Heard learned senior advocate Mr.N.D. Nanavaty assisted by Mr. R.R. Dholakia and it is submitted that the present applicant at the relevant time, was a police officer and one complaint came to be filed by the original complainant against the custodial ill treatment and the same was numbered as Inquiry No.14 of 2015 and after this, inquiry was conducted by the learned 2<sup>nd</sup> Additional Chief Judicial

Magistrate, Rajkot and subsequently, passed an order to issue process against all the accused persons for the offences punishable under Sections 323, 324 read with 114 of the IPC and the same order came to be passed on 29.05.2025.

3) Learned Senior advocate further submitted that as per the latest pronouncement of the Hon'ble Apex Court in the case of G.C. Manjunath Vs. Seetaram reported in 2025 (5) SCC 390, prior sanction under Section 197 of the Cr.P.C is required before taking cognizance.

4) Considering the arguments advanced by the learned senior advocate, it is apparent from the order passed by the learned Magistrate that no previous sanction under Section 197 has been taken and cognizance has been taken, hence, prosecution is required to be granted qua the present applicant is concerned.

5) The execution and operation of the order passed by the learned 2<sup>nd</sup> Additional Chief Judicial Magistrate, Rajkot passed below Exh.1 in Criminal Inquiry No.14 of 2015 issuing the process under Sections 323, 324 read with Section 114 of the

IPC qua the present applicant is hereby stayed till next date of hearing.

6) Direct Service is permitted.

JCP

**(L. S. PIRZADA, J)**