

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 11732 of 2024**

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KAMLESHKUMAR AMBALAL PARMAR

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR RAHUL SHARMA, MR UTKARSH J DAVE(10620) for the Applicant(s)
No. 1

MR BV PANDYA, PUBLIC PROSECUTOR for the Respondent(s) No. 1

MR RJ GOSWAMI, for the First Informant

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI**Date : 13/09/2024****ORAL ORDER**

1. Heard, learned Advocate, Mr. Sharma, appearing with learned Advocate, Mr. Dave, for the petitioner, learned APP, Mr. Pandya, for the Respondent-State and learned Advocate, Mr. Goswami, for the original complainant.

2. Having heard the learned Advocates for the parties, even, the learned Advocate, Mr. Goswami, appearing for the original complainant could not dispute the fact that, so far as the present petitioner is concerned, he is arraigned as an accused, only on the ground that an amount of Rs.1,48,000/- was deposited in his bank account by accused No.1 and that

he had given threat to the original complainant. Learned Advocate, Mr. Goswami, also could not point out anything that pursuant to the alleged threat, anything has happened in furtherance of the same.

2.1 In view of the above, this Court, *prima facie*, is of the opinion that merely because someone deposited certain amount in the account of the petitioner, on that ground the petitioner cannot be arraigned as an accused in the alleged offence. Hence, **RULE**, returnable on **2nd December, 2024**. Learned APP waives service for Respondent No.1-State and learned Advocate, Mr. Goswami, waives for the original complainant.

2.2 In the meantime, there shall be *ad-interim-relief* in terms of **Paragraph-8C** of this petition qua the petitioner only.

UMESH/-

(NIRZAR S. DESAI,J)