

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST ORDER
PASSED BY SUBORDINATE COURT) NO. 1371 of 2019****With
R/CRIMINAL MISC.APPLICATION NO. 19651 of 2019
In
R/CRIMINAL REVISION APPLICATION NO. 1371 of 2019****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**

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Approved for Reporting	Yes	No

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CENTRAL BUREAU OF INVESTIGATION THRO K.K.SHUKLA S/O
AMARNATH SHUKLA
Versus
SHILPABEN PATEL & ANR.

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Appearance:

MR RC KODEKAR(1395) for the Applicant(s) No. 1

MS GAYATRI B B JADEJA(5152) for the Respondent(s) No. 1

MR ROHAN H. RAVAL, APP for the Respondent(s) No. 2

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CORAM: HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**Date : 29/04/2026****JUDGMENT****ORDER IN CRIMINAL MISC. APPLICATION NO.19651 OF 2019
(FOR CONDONATION OF DELAY)**

The present application has been filed under Section 5 of the Limitation Act for condonation of delay of **222 days** caused in filing the captioned Criminal Revision Application on the ground of administrative

approval and other administrative reasons. Having heard the learned advocates for the respective parties and considering the averments made in this application, it appears that sufficient cause is made out to condone the delay and in view of the judgment passed by the Hon'ble Apex Court in the case of ***N. Balakrishnan vs. N. Krishnamurthy***, reported in ***AIR 1998 SUPREME COURT 3222***, therefore, the delay of **222 days** as explained by the learned advocate for the applicant is considered. The application is accordingly **allowed**.

ORDER IN CRIMINAL REVISION APPLICATION NO.1371 OF 2019

- 1) By way of present revision application under Sections 397 read with 401 of the Code of Criminal Procedure, 1973, the applicant has sought following relief :

"(i) Quash and set aside the Discharge Order dated 02.11.2018 passed by the Ld. Special judge (C.B.I) No.02 at Ahmedabad City to the extent of discharging the above named respondent in Special Case No. 02/2003 and 19/2013 and direct the respondent No. 1 to face the trial according to the law."

- 2) The applicant by way of present application has assailed the order dated 02.11.2018 passed by the learned Special Judge, CBI Court No.2, Ahmedabad City in Special Case Nos.02/2003 and 19/2013, wherein, the learned Special CBI Judge, Court No.2, Mirzapur, Ahmedabad, has been pleased to discharge the respondent no.1 from the charges levelled against her.

- 3) Having heard the learned Advocates, this Court is of the considered view that since the order of discharge is passed in the year 2018 and sufficient time has been passed and trial is substantially progressed. In view of the above, at this stage it is not expedient to enter into the merits or demerits of the discharge application.
- 4) However, it is kept open for the applicant that if during the recording of the evidence of prosecution if any evidence is put forward or any application is made by the CBI to arraign an accused under Section 319 of the Code of Criminal Procedure / Section 358 of the Bharatiya Nagarik Suraksha Sanhita, the learned trial Court shall decide the same independently on its own merit if some evidence is lead by the prosecution.
- 5) With aforesaid liberty the present revision application stands **disposed of**. This Court has not gone into the merit of the case.

ANKIT JANSARI

(HASMUKH D. SUTHAR,J)