

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 8618 of 2017**

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MAHESH JETHABHAI MAKWANA....Applicant(s)

Versus

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

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Appearance:

MR AJ YAGNIK, ADVOCATE for the Applicant(s) No. 1

MR. DEVNANI, ADDL. PUBLIC PROSECUTOR for the RESPONDENT(s) No.

1

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CORAM: **HONOURABLE MR.JUSTICE J.B.PARDIWALA**

Date : 13/11/2017

ORAL ORDER

Even if I accept the entire case of the prosecution as it is, in my view, none of the ingredients to constitute the offence punishable under sections 395 and 397 of the IPC are spelt out.

Let notice be issued to the respondents, returnable on 15.02.2018. Mr. Devnani, the learned APP, waives service of notice for and on behalf of the respondent No.1.

The investigation may proceed further in accordance with law. However, no coercive steps shall be taken against the applicant herein on the condition that he shall extend full co-operation in the investigation to the investigating officer.

Direct service is permitted qua the respondent No.2.

(J.B.PARDIWALA, J.)

Vahid