

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 12684
of 2024**

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SURESHKUMAR DWARKADAS BANNATWALA

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR SARVASWA R CHHAJER(12626) for the Applicant(s) No. 1

MR MANAN MAHETA ADDITIONAL PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 01/10/2024

ORAL ORDER

1.Heard learned advocate Mr. Sarvaswa Chhajer appearing for the petitioner.

2.Learned advocate Mr. Sarvaswa Chhajer appearing for the petitioner points out from the complaint that the only averment made in the entire complaint is in paragraph No.3 indicating that the accused Nos.2 to 5 are its Directors and are engaged with regular business. Petitioner is accused No.5 in the proceedings of criminal

complaint being No. 8285 of 2021 and though the petitioner is a non executive director who has nothing to do with the day to day business of the company and though there are no specific averment about the role of the petitioner despite that the summons is issued to the present petitioner and therefore, the aforesaid proceedings are misconceived qua present petitioner and are required to be stayed.

3. Considering the aforesaid submissions as well as on perusal of documents on record issue **NOTICE** to the respondents making it returnable on **19th November, 2024**. Learned Additional Public Prosecutor waives service of notice on behalf of the respondent – State. In the meantime, there shall be ad-interim relief in terms of paragraph No.29(B). Respondent No.2 to be served through concerned Police Station.

(NIRZAR S. DESAI,J)