

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 12995 of 2026**

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GIRISHKUMAR MADANLAL GEMAWAT
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR N V RAVAL(11267) for the Applicant(s) No. 1
MS.MONALI BHATT, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MRS. JUSTICE M. K. THAKKER**Date : 03/09/2026****ORAL ORDER**

1. Learned advocate Mr.N.V.Raval has submitted that in the impugned FIR allegation is made with regard to making alteration in the cheque as well as in the column of the amount. It is submitted that infact, the applicant is one of the victim on whose name the account is opened in the State Bank of India wherein, photograph of some other person is posted. Learned advocate Mr.N.V.Raval has relied on the account opening form in support of the said argument. Learned advocate Mr.N.V.Raval has as per the report submitted by the Investigating Officer dated 16.06.2026 all papers pertaining to the case were not traceable on account of the flood in Vishvamitri river and only bank account opinion, case diary and station

diary is part of the record. It is submitted that offence is of the year 2011 the applicant was not having knowledge with regard to the offence and only on arrest of the applicant i.e in the year 2026 the applicant came to have the knowledge about the same. Learned advocate Mr.N.V.Raval submits that even otherwise the prosecution would be abuse of process of law in absence of any material evidence against the applicant.

2. Considering the above submission, let notice be issued making it returnable on 08.12.2026. Learned APP Mr.Niraj Sharma waives service of notice on behalf of respondent-State.
3. Ad-interim relief in terms of para 8.C) is granted.

ARCHANA S. PILLAI

(M. K. THAKKER,J)