

ITEM NO.38

COURT NO.8

SECTION II-E

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 15015/2026

[Arising out of impugned final judgment and order dated 04-09-2025 in SCRA(Q) No.9776/2025 passed by the High Court of Gujarat at Ahmedabad]

SHIVANGI AMIT PANCHAL

Petitioner

VERSUS

STATE OF GUJARAT & ANR.

Respondents

I.A. No.109096/2026-CONDONATION OF DELAY IN FILING

I.A. No.109094/2026-EXEMPTION FROM FILING O.T.

I.A. No.109092/2026-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/  
ANNEXURES

Date : 20-04-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA  
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s) :Mr. Nagarjun Sahu, Adv.  
Mr. Pranjal Kishore, AOR

For Respondent(s) :

UPON hearing the counsel the Court made the following  
O R D E R

1. Delay condoned.
2. The order impugned in this special leave petition is dated 04<sup>th</sup> September, 2025, passed by the High Court of Gujarat<sup>1</sup> on a pending criminal application<sup>2</sup>. Notice for final disposal returnable on 03<sup>rd</sup> October, 2025 was issued, and liberty was granted to the petitioner before the High Court (respondent no.2 before us) to seek adjournment before the City Sessions Court, Ahmedabad<sup>3</sup> where his

<sup>1</sup> High Court

<sup>2</sup> SCRA(Q) No.9776/2025

<sup>3</sup> sessions court

appeal<sup>4</sup> against conviction is pending.

3. Though the impugned order appears to be innocuous, it has the effect of stalling proceedings of the appeal without justification.

4. The criminal application before the High Court arises out of rejection of Exhibit 33, being an application under section 391 of the Code of Criminal Procedure, 1973<sup>5</sup>, by the sessions court on 28<sup>th</sup> April 2025. Such application was at the instance of the respondent no. 2.

5. Prior to rejection of Exhibit 33, the respondent no.2 had applied under section 391, Cr. PC vide Exhibit 13. Such application having been rejected by the sessions court, it was unsuccessfully challenged before the High Court. Not one to be laid low, the respondent no.2 approached this Court challenging the order of the High Court in Special Leave to Appeal (Criminal) No.3139/ 2025. It did not take much time for this Court to dismiss the petition *vide* order dated 03<sup>rd</sup> March, 2025.

6. Such dismissal did not, however, deter the respondent no.2 who again filed Exhibit 33 for the same relief, which he claimed earlier. As noted above, such application has again been rejected by the sessions court and is now the subject matter of challenge before the High Court.

7. Lest any observation impacts the claim of any party to the criminal application pending before the High Court, we consider it proper to dispose of this special leave petition, without examining the same on merits, with a request to the High Court to decide such application as early as possible and, subject to its convenience, within a month from date of receipt of a copy of this order.

<sup>4</sup> Criminal Appeal No.564/2023

<sup>5</sup> Cr. PC

8. All contentions on merits are kept open.
9. Pending application(s), if any, shall stand disposed of.

**(RASHMI DHYANI PANT)**  
**ASST. REGISTRAR-CUM-PS**

**(SUDHIR KUMAR SHARMA)**  
**COURT MASTER (NSH)**