

ITEM NO.2

COURT NO.13

SECTION II-B

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

Petition for Special Leave to Appeal (Cr1.) No.3030/2016

(Arising out of impugned final judgment and order dated 12-01-2016 in CRLA No.208/2014 passed by the High Court of Gujarat at Ahmedabad)

VINU ALIAS VINODBHAI ISHWARBHAI PATEL

Petitioner(s)

VERSUS

STATE OF GUJARAT

Respondent(s)

(OFFICE REPORT FOR DIRECTION

IA No. 6593/2016 - EXEMPTION FROM FILING O.T.)

Date : 05-08-2019 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. Nachiketa Joshi, AOR  
Sucheta Joshi, Adv.  
Mr. Aniket Seth, Adv.  
Mr. Himadri Haksar, Adv.

For Respondent(s)

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

It appears that before the Sessions Court, there were appeals preferred both by the petitioner and the State for seeking acquittal and enhancement of sentence respectively. Thus, the State had exercised rights under Section 377 of the Code of Criminal Procedure, 1973. The moot point which thus arises before this court is whether the second appeal for enhancement of sentence was maintainable before the High court as the High court

has set aside the order of the Sessions Court and restored the order of the trial Court.

Issue notice on the special leave petition as well as on the prayer for interim relief, returnable in four weeks

Notice be served through standing counsel as well.

(POOJA ARORA)  
COURT MASTER

(ANITA RANI AHUJA)  
COURT MASTER