

Gujarat High Court

Bhavnagar vs State on 3 August, 2011

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Gujarat High Court Case Information System

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SCR.A/599/2011 2/ 2 ORDER

IN  
THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL  
CRIMINAL APPLICATION No. 599 of 2011

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BHAVNAGAR  
PANJRAPOLE - TRUSTEE - THRO' BRIJESH H SHAH - Applicant(s)

Versus

STATE  
OF GUJARAT & 1 - Respondent(s)

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Appearance  
:  
MR  
HEMANT B RAVAL for  
Applicant(s) : 1,  
MR LR PUJARI, ADDL.PUBLIC PROSECUTOR for  
Respondent(s) : 1,  
RULE SERVED for Respondent(s) :  
2,  
=====

CORAM

:

HONOURABLE

Date  
: 03/08/2011

ORAL  
ORDER

1. Heard learned advocate Mr.Raval for the petitioner and learned APP Mr.L.R.Pujari for the respondent No.1-State. Though rule served to respondent No.2, but he has not appeared either personally or through his advocate.

2. This Court passed the following order on 11.3.2011 which reads as under.

"Heard learned advocate Mr.Kapadia appearing for the petitioner. He submitted that it is observed by the Sessions Court while deciding the revision application that this is the first offence committed by the present respondent-accused but in fact, two other offences are also registered against the present respondent-accused in past also. He also submitted that specific allegations are made in the complaint that animals were taken for slaughtering. He submitted that learned Sessions Court has not considered the same and come to the conclusion that the offence only under the provisions of Prevention of Cruelty to Animals Act is registered against the present respondent-accused.

Rule returnable on 13.4.2011. Learned APP Mr.Pujari waives service of notice of rule for respondent No.1. In the meanwhile, interim relief in terms of paragraph 13(C) till then. Direct service is permitted."

3. In view of the above, it is submitted by learned advocate for the parties that some direction be given to the trial court to decide and dispose of Criminal Case arising from II C.R.No.3 of 2011 registered with Vartej Police Station, Bhavnagar District within stipulated time.

4. In view of the above, the petition is allowed. The impugned order dated 25.2.2011 passed by the learned Sessions Judge, Bhavnagar in Criminal Revision Application No.12 of 2011 is hereby quashed and set aside and the order dated 31.1.2011 passed by the learned Second Additional Senior Civil Judge & Additional Chief Judicial Magistrate, Bhavnagar is confirmed. The trial court is directed to decide and dispose of Criminal Case arising from II C.R.No.3 of 2011 registered with

Vartej Police Station in accordance with law and on its own merits, as early as possible, preferably within one year from the receipt of writ of this order. At the time of deciding the trial or after holding inquiry under Section 452 of the Code of Criminal Procedure, the trial court shall pass appropriate order regarding the muddamal. Rule is made absolute to the aforesaid extent. Direct service is permitted.

( M.D.SHAH, J. ) syed/ Top