

Gujarat High Court

State vs Mr Kp Raval on 25 June, 2008

Author: H.N.Devani,&Nbsp

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CR.MA/8124/2008 2/ 2 ORDER

IN
THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL

MISC.APPLICATION No. 8124 of 2008

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VARJANGBHAI
MULUBHAI AHIR & ANR

Versus

STATE
OF GUJARAT & ANR

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Appearance

:

MR PP MAJMUDAR for

Applicants:1-2

MR KP RAVAL, ADDL.PUBLIC PROSECUTOR for

Respondent:1

None for

Respondent:2

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CORAM

:

HONOURABLE

MS.JUSTICE H.N.DEVANI

Date
: 25/06/2008

ORAL ORDER

Heard Mr. P.P. Majmudar learned advocate for the petitioners.

The learned advocate for the petitioners has drawn the attention of the Court to the complaint lodged by respondent No. 2-complainant before the learned Principal Civil Judge and Judicial Magistrate First Class, Kamrej to point out that, in respect of the same offence earlier a complaint has already been lodged, wherein the learned Judicial Magistrate First Class by order dated 1st April 2008 has directed inquiry under Section 202 of the Code of Criminal Procedure 1973 (the Code). It is submitted that the present First Information Report has been filed on 14th May 2008 after the order directing inquiry under Section 202 of the Code has been passed by learned Judicial Magistrate which is not permissible under law. Referring to the contents of both the complaints and the First Information Report, it is further pointed out that there are glaring discrepancies in the versions given in both the complaints.

Considering the submissions advanced by learned Advocate for the petitioners and considering the discrepancies in the complaint lodged before the learned Judicial Magistrate and the First Information Report, issue Notice returnable on 24th July, 2008. By way of ad-interim relief, further investigation pursuant to the First Information Report registered vide Kamrej Police Station, I-C.R. No. 95 of 2008 is hereby stayed.

Mr.K.P.Raval, learned Additional Public Prosecutor waives service of notice on behalf of respondent No.1-State of Gujarat. Direct Service is permitted qua respondent No.2.

(HARSHA DEVANI, J.) Amit/-

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