

Mahesh Jayanti Rana vs Maheshchandra Ratilal Modi on 14 December, 2021

Author: A. C. Joshi

Bench: Ashokkumar C. Joshi

R/CR.MA/21236/2021

ORDER DATED: 14/12/2021

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 21236 of 2021

In R/CRIMINAL APPEAL NO. 1830 of 2021

With

R/CRIMINAL APPEAL NO. 1830 of 2021

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MAHESH JAYANTI RANA

Versus

MAHESHCHANDRA RATILAL MODI

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Appearance:

MR CJ VIN(978) for the Applicant(s) No. 1

for the Respondent(s) No. 1,2

MS. MONALI BHATT, APP for the Respondent(s) No. 3

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CORAM:HONOURABLE DR. JUSTICE ASHOKKUMAR C. JOSHI

Date : 14/12/2021

ORAL ORDER

Order in Criminal Misc. Application No. 21236 of 2021

1. Rule. Learned APP Ms. Monali Bhatt appears and waives service of notice of Rule on behalf of the respondent - State.

2. The present Criminal Miscellaneous Application is filed by the applicant under Section 378(4) of the Code of Criminal Procedure seeking leave to appeal challenging the impugned judgment and order dated 18.8.2021 passed in Criminal Case No. 3388 of 2014 by the learned Judicial Magistrate First Class, (Municipal) Court, Surat recording the acquittal under the Food Safety and Standards Act, 2006.

3. Heard learned advocate Mr. C.J. Vin for the applicant and learned APP Ms. Monali Bhatt for the respondent - State.

4. Learned advocate Mr. Vin for the applicant has also taken this R/CR.MA/21236/2021 ORDER DATED: 14/12/2021 Court to the different provisions of the Act including the facts of the case.

5. Perused the judgment and order dated 18.8.2021 passed in Criminal Case No. 3388 of 2014 by the learned Judicial Magistrate First Class, (Municipal) Court, Surat, and considering the averments made in the application and considering the submissions made by the learned advocate for the appellant, the matter requires consideration. Therefore, the leave to appeal as prayed for deserves to be granted and the present Criminal Misc. Application stands allowed and disposed of accordingly. Rule is made absolute.

Order in Criminal Appeal No. 1830 of 2021

1. This appeal is admitted.
2. Issue bailable warrant in sum of Rs.5,000/- upon the respondent No. 2. (original accused).

(A. C. JOSHI,J) prk