

Special Criminal Application No 894 of 95

Date of decision: 21/07/95

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL                      and  
                 MR.JUSTICE K.R.VYAS

RAJENDRA M PATEL

vs

GOPIRAM DEDRAJ AGRWAL

SPECIAL CRIMINAL APPLICATION NO.894 OF 1995

Rajendra M. Patel... .. Petitioner

Versus

Gopiram Dedraj Agrawal & ors... .. Respondents

CORAM:B.C.PATEL & K.R.VYAS,JJ

21st JULY,1995

ORAL ORDER:

Mr.M.C.Barot, learned Advocate vehemently addressed this Court that the matter should be adjourned as his Counsel is sick. When an Advocate is there on the record, the matter is not required to be adjourned, may be, on the ground that the counsel is not

This is a petition filed for Habeas Corpus by Advocate Mr. Barot on behalf of one Rajendra M.Patel, styling himself as a Committee Member of Ganesh Sagar Co-operative Housing Society Ltd, inter alia, alleging that respondents have detained Murarilal Shripal, Munnalal Ramnaresh and Shivrahjsingh Shetansingh against their will and desire. Respondent No.8 is Police Inspector, Ghatlodia Police Station, Naranpura, Ahmedabad and respondent No.7 is the power of attorney holder of respondents Nos.1 to 6 as revealed from the investigation. It is alleged in the petition that the

petitioner's society was the owner of the land in question. The petitioner has averred that the society engaged security personnel belonging to one New Royal Security. The petitioner learnt on 29-5-95 at about 10.00 a.m.that the respondents came to attack the security personnel; had a quarrel with them in collusion with Police Inspector, Ghatlodia Police Station and removed them from that place to the police station. It is also required to be noted that al o required to be noted thatalso required to be noted thatalso required to be n ted thatalso required to be noted thatalso required to be noted thatalso requi ed to be noted thatalso required to be noted thatalso required to be noted tha also required to be noted thatalso required to be noted thatalso required to b noted thatalso required to be noted thatalso required to be noted thatalso re uired to be noted thatalso required to be noted thatalso required to be noted hatalso required to be noted thatalso required to be noted thatalso required t be noted thatalso required to be noted thatalso required to be noted thatalso required to be noted thatalso required to be noted thatalso required to be not d thatalso required to be noted thatalso required to be noted thatalso require to be noted thatalso required to be noted thatalso required to be noted thata so required to be noted thatalso required to be noted thatalso required to be oted thatalso required to be noted thatalsoty

personnel, eight security persons were held up out of which three are till date not traceable being wrongfully confined.

On the last occasion, a grievance was made by Mr. Patel that even the complainant has not turned up to give his statement and though it was stated before the Court that the complainant will keep himself present before the police latest by 15th inst for recording his statement he presented before the police on 17th when his statement could be recorded. From his statement it appears that one R.J.Rajput @ Munnalal is looking after the New Royal Secur

It is, therefore, clear that the petitioner has no knowledge but on the information received from others, he has made a grievance. On the record of the society, it is indicated that only three to four persons are engaged

[illegible]

[illegible]

rand being paid . One Kudebaba, who was working as a Security Person , has stated before the police on 29-5-95 that over and above himself, Radheshyam, Sonaji, Vinod, Deelising and Munnalal were also working and that he had armed licence with him. In the second shift Sonaji, Deelising and others are working. In the morning shift, Radheshyam, Sonaji and Vinod had gone to the market and at that time when the jeep came only three persons were on duty and they were taken in the jeep car. Therefore, from the statement of Kudebaba it appears that there is no basis whatsoever in the say of the complainant that at the time of the incident these three persons were working.

We asked Mr. Patel to see that the persons are traced but Mr. Patel stated that the complainant has not even bothered to give the addresses of these persons or even the Security Person Munnalal under whom these persons who are alleged to have been abducted are working, nor any complaint has been filed so far. It is, therefore, clear,

Additional Public Prosecutor there is property dispute and the parties have taken recourse to the civil court and for the alleged act complaints filed by the parties have been investigated by the police. In view of these facts, we do not find any reason to issue Rule in this matter. Hence this petition is rejected. Notice discharged.

After the order is dictated, Mr. Barot has requested to hear him. We stated that he can give an application and the same will be considered but he stated that the Court must hear the lawyers. As we have heard him at length, no further audience is required to be given.

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