

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 270 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE Sd/-

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BHANUPRASAD GOVINDRAM PATEL

Versus

STATE OF GUJARAT

Appearance:

MR AD SHAH for Petitioner

MR KP RAVAL, ASSTT.P.P for Respondent No. 1

CORAM : MR.JUSTICE A.R.DAVE

Date of decision: 31/08/96

ORAL JUDGEMENT

Rule. Asstt. Public Prosecutor Shri K.P. Raval
waives service of notice of Rule.

2. With the consent of the learned advocates the application is finally heard today. The first grievance which the learned advocate Shri A.D. Shah has ventilated is with regard to the nature of Bank Guarantee. He has submitted that instead of giving Bank Guarantee of a Nationalised Bank, the petitioner should be permitted to

furnish Bank Guarantee of any Scheduled Bank.

3. The second grievance which Shri A.D. Shah has made is with regard to the quantum of Bank Guarantee. According to him, it is an admitted fact that the goods are worth Rs. 54,00,000/- and yet the petitioner has been asked to furnish Bank Guarantee for Rs. 60,00,000/-.

4. There is much substance in the submissions made by learned advocate Shri Shah. Looking to the facts and circumstances of the case and in view of an admitted fact that goods are only worth Rs. 54,00,000/-, it is directed that Bank Guarantee of only Rs. 54,00,000/- should be given by the petitioner.

5. The petitioner is ready and willing to furnish Bank Guarantee of a Scheduled bank instead of a Nationalised Bank. Purpose of giving guarantee would be served even if Bank Guarantee of a Scheduled Bank is given.

6. In the circumstances, the impugned order is modified to the above extent. The petitioner shall furnish Bank Guarantee of Rs. 54,00,000/- and he shall furnish Bank Guarantee of a Scheduled Bank. Rule is made absolute only to the above extent.

ssm./