

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5981 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.PANDIT

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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?

ARUNKUMAR SHANTILAL PUROHIT

Versus

STATE OF GUJARAT

Appearance:

MR JAYANT P BHATT for Petitioner

NANAVATY ADVOCATES for Respondent No. 1

CORAM : MR.JUSTICE S.D.PANDIT

Date of decision: 31/01/97

ORAL JUDGEMENT

1. The present petition is filed by the petitioner to challenge the order passed by the respondent No.2 in Appeal No.44 of 1996.

2. The respondent No.4 Laxmansinh Dabhi was prosecuted for the alleged commission of the offences punishable under Sections 147, 148, 149, 323, 354, 504 and 506 (2) of the Indian Penal Code by registering

F.I.R. No.47 of 1996 against him. On account of the registration of the said offence against him, he was suspended from holding the post of Sarpanch of Pathapur Gram Panchayat. Therefore, he had filed Appeal No.44 of 1996 and that appeal of him was allowed by order passed on 20-5-96 and hence the present petition is filed against the said order.

3. It is an admitted fact that respondent No.4 was elected as Sarpanch of Pathapur Gram Panchayat and he was suspended only on account of the registration of F.I.R.47 of 1996 against him. The respondent No.4 had preferred Miscellaneous Criminal Application No.1524 of 1996 in this High Court under Section 482 of the Code of Criminal Procedure to quash the said registration of offence against him. The said application filed under Section 482 of the Code of Criminal Procedure has been allowed by this court on 10-10-96 and the registration of the said F.I.R. No.47 of 1996 against the respondent No.4 has been quashed. When the registration of offence against the respondent No.4 has been quashed by the court and when there are no other grounds except registration of offence against him for passing the order of suspension against him, the present petition does not survive in view of quashing of the said registration of offence. I, therefore, dismiss this petition with no order as to cost.

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