

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 1114 of 1989

in

CRIMINAL REVISION APPLICATION No 137 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE N.J.PANDYA

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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?
- 1 to 5 : No

AHMED JAMALBHAI KHATKI

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Misc.Application No. 1114 of 1989
MR MM TIRMIZI for Petitioner
Mr.S.T.Mehta, LAPP for Respondent No. 1
MR BHARGAV N BHATT for Respondent No. 2
 2. Criminal Revision Application No 137 of 1989
MR MM TIRMIZI for Petitioner
PUBLIC PROSECUTOR for Respondent No. 1
MR BHARGAV N BHATT for Respondent No. 2
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ORAL JUDGEMENT

This application was filed because the question of muddamal remained undecided inspite of the petitioner having approached this Court by way of Criminal Revision Application No.137 of 1989. 166 Goats and 4 Sheep came to be handed over to respondent o.2 Panjirapole pursuant to a case filed under Prevention of Cruelty to Animals Act on or about 16-2-1987. The learned JMFC, 1st Class at Botad was pleased to hold in favour of the petitioner and award interim custody of the livestock. Respondent no.2 approached by way of Criminal Revision Application before the learned Sessions Judge, Bhavnagar and in the said Revision Application No.20/87, the order of the learned Magistrate came to be set aside. Challenging this order, the aforesaid Revision Application No.137 of 1989 was filed before this Court. As the matter was not heard, by way of this application, the petitioner moved for quashing all the proceedings.

2. According to the office note, the said Revision Application No.137 of 1989 came to be disposed of on 20-12-1991. The question of muddamal and its custody in course of trial has thus been resolved.

3. The resolution may be in favour of either of the parties, but the problem is no longer alive.

4. In this background, so far as quashing is concerned, there is no question of entertaining that. Mr.Tirmizi, the learned Advocate appearing for the petitioner says that the trial is yet to commence. If that is so, it shall be attended to immediately. The petition is disposed of accordingly. Rule is discharged.
