

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1376 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE and
MR.JUSTICE A.M.KAPADIA

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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?
(No. 1 to 5 NO)

YUNUSBHAI YAKUBBHAI CHHIPA

Versus

STATE OF GUJARAT

Appearance:

MR HASHIM QURESHI for Petitioners
MR. MAULIN RAVAL, LD.PUBLIC PROSECUTOR for Res. No.1
AND 3.
MR DH WAGHELA for Respondent No. 2

CORAM : MR.JUSTICE S.D.DAVE and
MR.JUSTICE A.M.KAPADIA

Date of decision: 30/12/97

ORAL JUDGEMENT

Per: S.D. Dave, J :-

Rule. Service is waived by Ld. counsel Mr.

Maulin Raval for Respondents No. 1 & 3 and by Ld. counsel Mr. Waghela for Respondent no.2.

At present we are concerned with the question regarding return of the seized fabrics. Under our orders dated 15th. December 1997, we had said that the sample of the seized fabrics should be sent to the expert at ATIRA, with a view to find out, as to whether the said fabrics is susceptible to the process called carbonization. Now we have got the Report coming from ATIRA dated 29th. December 1997 saying specifically that, after the test at the ATIRA Laboratory they have come to the conclusion that the said fabrics are not susceptible to carbonization.

In view of this Report, in our opinion, now the seized fabrics require to be released in favour of the Applicant unit. We order accordingly. The Police Station Officer of Dani Limda Police station and/or the Respondent no.3 is hereby directed to restore the above said fabrics to the custody of the Petitioners, after having taken a valid receipt from them. Petition thus stands allowed. Rule is made absolute to the above said extent, with no order as to costs. ATIRA Report should be retained on the record. Direct service permitted.

/vgn.