

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 523 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
4. Whether this case involves a substantial question : NO  
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

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CHANDRAKANT PARSOTTAM MISTRY

Versus

STATE OF GUJARAT

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Appearance:

MR HARESH J TRIVEDI for Petitioner

MR LR POOJARI, APP for Respondent No. 1

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CORAM : MR.JUSTICE R.P.DHOLAKIA

Date of decision: 31/08/1999

ORAL JUDGEMENT

Present petitioner has filed the present petition against two concurrent findings of the trial Court. From the pleadings and from the orders, it is established that learned J.M.F.C., Vadodara had passed an order issuing warrant under sec.93 of the Cr.P.C. In view of that warrant, certain muddamals were taken into custody by the Court after preparing panchnama, etc. Against that

order, present petitioner had preferred Cri. Revision Application No.166 of 199 before the District and Sessions Court at Vadodara wherein the parties, after passing the purshis at exh.12, have requested the Sessions Court to remand the matter back and to decide the question of muddamal on merits. In view of above purshis exh.12 filed by the respective parties, matter was remanded back and Court below has passed the order regarding handing over of muddamal during the pendency of trial after giving proper opportunity to the respective parties. Against that order, present petitioner has preferred Criminal Revision Application No.41 of 1999 before the learned Sessions Judge, Vadodara on 20-2-1999. After hearing the learned counsel for the respective parties, said application was rejected by the learned Addl. Sessions Judge, Vadodara on 20-4-1999. It is against these concurrent findings, petitioner-husband has filed the present Special Criminal Application against the respondent No.2-wife.

I have heard learned counsel for the respective parties, namely H.J.Trivedi for the petitioner and Mr.L.R.Poojari for the respondent No.1-State. I have gone through the orders passed by the Court below and I do not find any illegality in the said orders and, therefore, I do not think it fit and proper to interfere with the concurrent orders passed by the Court below. Hence, this Special Criminal Application is required to be rejected.

This Special Criminal Application is hereby rejected. Notice is discharged.

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