

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 357 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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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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MOHD IQBAL GULAM MOHD

Versus

STATE OF GUJARAT  
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Appearance:

MR EE SAIYED for Petitioner  
Mr.R.C. Kodekar, ADDL. PUBLIC PROSECUTOR for  
Respondent No. 1  
MR ANIL S DAVE for Respondent No. 2  
NOTICE SERVED BY DS for Respondent No. 3  
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CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 30/05/2001

ORAL JUDGEMENT

Rule. Mr.R.C. Kodekar, learned Additional  
Public Prosecutor waives service of the rule.

2. The present petition is filed by one Shaikh Mohd. Iqbal Gulam Mohd. seeking writ of habeas corpus for production of his wife named Asma and two daughters named Afnanbanu aged about seven years and Ayesha aged about one and half years, who are alleged to be with respondent no.2, Munafbhai Dilipbhai Allarakha.

3. The Court had issued notice on 23.5.2001 returnable today, the 30th May 2001. Today, Asmabanu is present before the Court along with two daughters named above. The Court ascertained the wishes of Asmabanu, who stated that there was Talaq on 8.9.1999 from the petitioner herein and she has thereafter contracted marriage with respondent no.2 on 14.7.2000.

4. In view of the wishes expressed by Asmabanu, the present petition does not survive. The Special Criminal Application stands dismissed accordingly. Rule is discharged. No order as to costs.

(Ravi R. Tripathi, J.)

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