

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 642 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI
and
Hon'ble MR.JUSTICE K.M.MEHTA

- =====
1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : YES
 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 concerned : NO
Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals?

PRAVINBHAI DEVABHAI SODHA PARMAR

Versus

STATE OF GUJARAT

Appearance:

1. Special Criminal Application No. 642 of 2002
MR JV MEHTA for Petitioner No. 1
MR. KOGJE, A.P.P. for Respondent No. 1
..... for Respondent No. 2-3
MR HIMANSU M PADHYA for Respondent No. 4,6-7
RULE UNSERVED for Respondent No. 5

CORAM : MR.JUSTICE D.K.TRIVEDI
and
MR.JUSTICE K.M.MEHTA

Date of decision: 31/01/2003

ORAL JUDGEMENT

(Per : MR.JUSTICE D.K.TRIVEDI)

In the second sitting Mr. Kogje, learned A.P.P. with Mr. J.V. Mehta, learned advocate, for the petitioner who has filed this Special Criminal Application for habeas corpus has requested this court that in view of the earlier order passed by the Division Bench on 29.1.2003 the police has produced Manguben Devabhai along with Medical Certificate issued by the Medical Officer, General Hospital, Sola, Ahmedabad dated 30.1.2003. Mr. D.B. Raolji, C.P.I., Mahemdabad, is also present. We have seen original medical certificate about examination of Manguben by the Medical Officer and as per the medical opinion Manguben is aged above 20 years and below 23 years. Mr. Kogje, learned A.P.P. is directed to produce xerox copy of the Medical Certificate as the original is required to be kept with the police case papers. Xerox copy of the Medical Certificate is produced and taken on record. We have perused the order passed earlier and in view of the fact that Manguben is not minor and according to the medical opinion she is aged above 20 years and below 23 years, Mr. J.V. Mehta, learned advocate for the petitioner, has requested us that he may be permitted to withdraw this Special Criminal Application. In view of the stand taken by Mr. Mehta, learned counsel for the petitioner and in view of the medical certificate dated 30.1.2003 which clearly shows that Manguben Devabhai is not a minor girl and is aged above 20 years and below 23 years, this petition is disposed of as withdrawn. As Manguben Devabhai is major, she is free to go as she likes. Rule is discharged with no order as to costs.

(D.K. TRIVEDI, J)

(K.M. MEHTA, J)

(pkn)