

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 358 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE D.P.BUCH

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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 concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

STATE OF GUJARAT

Versus

SHIVSINH MANSINH GOHIL

Appearance:

1. Criminal Revision Application No. 358 of 2003
MS PB SHETH APP for Petitioner No. 1
..... for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE D.P.BUCH

Date of decision: 17/10/2003

ORAL JUDGEMENT

Heard Ms.P B Sheth learned APP for the State.
This is a revision application u/s.397 read with s.401 of
the Code of Criminal Procedure, 1973 challenging an order

dated 15/05/03 of the learned Presiding Officer, Fast Track Court, Dhrangadhra in Surendranagar District below application ex.67 in Special Case No.94/1998 under which the learned trial Judge allowed the said application of the respondent and directed the prosecution, petitioner herein, to supply statements of witnesses recorded by Mr.Purohit during the course of investigation and for the supply of the two circulars to the Court and the copy thereof be supplied to the respondent.

2. It seems that the respondent herein, has been facing trial under the provisions of the Prevention of Corruption Act before the learned Special Judge, Fast Track Court, Dhrangadhra. During the pendency of the said special case, the respondent contended that the concerned police officer had recorded some statements and and they are relevant for the purpose of trial. The contesting respondent also contended that there are two circulars issued by the State Government or the competent authority with respect to the procedure to be followed for the trap to be conducted by the raiding officer. The trial court gave an opportunity to the prosecution to reply or comply. It seems that, no reply was submitted and therefore, after hearing the parties, the trial court passed the aforesaid order. It appears that so far the statements of witnesses are concerned, it is not made clear as to how the said statements are not relevant for the purpose of dealing with the special case in question. So far the two circulars are concerned, there appears to be some guidelines issued by the competent authority to the subordinate staff. Even if it is taken that the guidelines have not been scrupulously followed, the effect thereof can be considered by the trial court at the stage of trial.

3. In that view of the matter, the order in question does not appear to be illegal on the face of the record and therefore, there is no merit in the revision application and hence, it is dismissed.

(D. P. Buch, J.)

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