

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 6908 of 2000

For Approval and Signature:

HON'BLE MR.JUSTICE A.M.KAPADIA

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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?

DESAI VAGHJIBHAI MALJIBHAI

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Misc.Application No. 6908 of 2000
MR MB FAROOQUI for Petitioner No. 1-2
MS. NANDINI JOSHI APP for Respondent No. 1
MR MAYANK VORA for Respondent No. 2
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CORAM : HON'BLE MR.JUSTICE A.M.KAPADIA

Date of decision: 29/08/2003

ORAL JUDGEMENT

1. Mr. M.B. Farooqui, learned advocate for the petitioners, seeks leave to withdraw this petition with a request that appropriate direction may be issued to the learned Judicial Magistrate, First Class, Deesa before whom Criminal Case No.3333 of 1995 is pending and in which hearing of Ex.21, i.e., compromise pursis is awaited, that he shall decide the said application Ex.21 first and thereafter proceed with hearing of the said Criminal Complaint.

2. Ms. Nandini Joshi, learned APP who appears for respondent No.1 - State of Gujarat, has no objection if leave to withdraw the petition as prayed for is granted and the direction to the concerned Magistrate as prayed for by Mr. Farooqui is issued.

3. In aforesaid view of the matter, leave as prayed for is granted. Criminal Misc. Application No. 6908 of 2000 is disposed of as it is withdrawn. Learned Judicial Magistrate, First Class, Deesa, before whom Criminal Complaint No.3333 of 1995 is pending shall first proceed with hearing of compromise pursis Ex.21 and after deciding the said application Ex.21, shall proceed with the hearing of Criminal Complaint No.3333 of 1995. Since the Criminal Complaint is very old, the concerned Magistrate is directed to dispose of the said complaint on or before December 31, 2003. Rule is discharged. Interim relief granted earlier shall stand vacated.

4. Registry is directed to send the R & P back to the concerned Magistrate forthwith.

(A.M. Kapadia, J.)

(karan)