

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**CRIMINAL APPEAL NO. 1172 of 2003****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR.JUSTICE K.J.THAKER****Sd/-**

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?	No
2	To be referred to the Reporter or not ?	No
3	Whether their Lordships wish to see the fair copy of the judgment ?	No
4	Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?	No
5	Whether it is to be circulated to the civil judge ?	No

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STATE OF GUJARAT....Appellant(s)

Versus

OMPRAKASH KESARDEV AGARVAL....Opponent(s)/Respondent(s)

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Appearance:

MS CM SHAH, ADDITIONAL PUBLIC PROSECUTOR for the Appellant(s) No.

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NOTICE SERVED for the Opponent(s)/Respondent(s) No. 1

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CORAM: HONOURABLE MR.JUSTICE K.J.THAKER**Date : 30/01/2015****ORAL JUDGMENT**

1. By way of this Appeal, the appellant - State has felt aggrieved by the judgment and order of the learned Judicial Magistrate First Class, Dahod rendered in Criminal Case No.2005/2002 way back in the year 31.12.2002.
2. Though served, the accused has not remained present.
3. Having perused the entire record, the offences under Section 3 read with Section 7 is not made out and the learned Advocate has relied on the decision of this Court in the case of **Gopal Ramdayal Agarwal v. State of Gujarat** reported in **1993 (1) G.C.D. 693**.
4. In light of the above, I do not see any perversity in the order passed by learned Judge.
5. The judgment and order dated 31.12.2002 passed by the learned Judicial Magistrate First Class, Dahod in Criminal Case No.2005/2002 is confirmed.

6. The Appeal is devoid of merits and stands dismissed.

Sd/-

(K.J. THAKER, J.)

CAROLINE