

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CRIMINAL APPLICATION NO. 9784 of 2019

FOR APPROVAL AND SIGNATURE:

HONOURABLE MS. JUSTICE GITA GOPI

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?	
2	To be referred to the Reporter or not ?	
3	Whether their Lordships wish to see the fair copy of the judgment ?	
4	Whether this case involves a substantial question of law as to the interpretation of the Constitution of India or any order made thereunder ?	

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PRAGNESHKUMAR SOMCHANDBHAI DUTT
 Versus
 STATE OF GUJARAT

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Appearance:

ADVOCATE NOTICE SERVED (81) for the Applicant(s) No. 1
 MR DHAVAL A PARMAR (7780) for the Applicant(s) No. 1
 MS MONALI BHATT, ADDL. PUBLIC PROSECUTOR (2) for the
 Respondent(s) No. 1

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CORAM: HONOURABLE MS. JUSTICE GITA GOPI

Date : 30/06/2021

ORAL JUDGMENT

1. By way of this petition, the petitioner has prayed to direct the Court of learned Additional Chief Metropolitan Magistrate, Court No.25, Ahmedabad to hear and conclude the trial in Criminal Case No.5883 of 2016 within appropriate time limit.

2. The facts in brief are that on 01.11.2015 a complaint being C.R. No. I-77 of 2015 came to be registered with Shahpur Police Station for offences punishable under Sections 143, 147, 332 and 337 of IPC and Sections 3 and 7 of the Damage to Public Property Act against 18 accused, including the petitioner herein. It was alleged in the complaint that on the date of incident, during the evening hours, the accused were involved in a brawl and when the police intervened, stones were pelted at them, which resulted into injuries to some police personnel and damage to some police vehicles. Charge-sheet came to be filed and the trial is pending before the Court of learned Additional Chief Metropolitan Magistrate, Court No.25, Ahmedabad.

3. Learned advocate Mr. Parmar for the petitioner submitted that the petitioner herein has been selected to the Post of Jamadar (Class-III) after undergoing different stages of recruitment process. Vide document Annexure-G, the petitioner has produced the "Select List of Candidates" published by the Home Department (HOD : Director, Prohibition And Excise), Government of Gujarat wherein, the name of the petitioner figures at Sr. No.4. It is submitted on behalf of the petitioner that on account of the pendency of the criminal case, the order of appointment has not been issued in his favour. He, therefore, prayed that appropriate directions may be issued to the trial Court concerned for early conclusion of the trial.

4. Heard learned advocates on both the sides and perused the material on record. The alleged offence is of the year 2015 and the Criminal Case arising out of the impugned complaint is pending since 2016. It appears from the charge-sheet papers that 23 persons have been cited as

Prosecution Witnesses, a majority of whom belong to the Police Department while some of the Witnesses are Government Doctors (Medical Officers). Considering the facts and circumstances of the case, the Court deems it expedient to issue appropriate directions to the trial Court concerned for expeditious disposal of the trial.

5. For the foregoing reasons, the petition is partly allowed. The Court of learned Additional Chief Metropolitan Magistrate, Court No.25, Ahmedabad before whom Criminal Case No.5883 of 2016 is pending, is directed to conclude the trial, as expeditiously as possible, preferably within a period of FIVE MONTHS from the date of receipt of writ of this order. It is expected that both the sides shall cooperate with the trial Court concerned for expeditious disposal of the criminal case. Rule is made absolute to the above extent.

(GITA GOPI, J)

PRAVIN KARUNAN